

## **ADDENDUM TO PRAIRIE RONDE TOWNSHIP ZONING ORDINANCE**

Provisions of the Prairie Ronde Township Zoning Ordinance that have been amended subsequent to the adoption of Ordinance No. 71 are designated by a numerical footnote in bold brackets included at the end of the amended provision. This Addendum lists the number and adopted/effective dates of each such amendatory ordinance, and also each ordinance amending the Zoning Map (rezonings).

### **Amendments of Zoning Ordinance Text**

- [1]** Ordinance No. 73 adopted 3-8-11 and effective 3-27-11 amended Section 3.10 pertaining to exterior lighting.
- [2]** Ordinance No. 73 adopted 3-8-11 and effective 3-27-11 amended Section 19.3 pertaining to nonconforming single-family dwelling uses.
- [3]** Ordinance No. 74 adopted 8-14-12 and effective 8-29-12 amended Section 18.3.D. pertaining to the keeping of farm animals.
- [4]** Ordinance No. 75 adopted 12-11-12 and effective 12-28-12 amended Section 2.2 to add definitions for the terms “farm” and “farm structure”.
- [5]** Ordinance No. 75 adopted 12-11-12 and effective 12-28-12 amended Section 17.1.B. pertaining to the permissible location for accessory buildings/structures.
- [6]** Ordinance No. 76 adopted 3-12-13 and effective 4-3-13 amended Section 2.2 to add definitions for the terms “Biofuel”, “On-Farm Biofuel Production Facility (Type I)”, “On-Farm Biofuel Production Facility (Type II)”, “On-Farm Biofuel Production Facility (Type III)”, and “Wireless Communications Support Structure” (and to delete the definition for the term “Communication Tower (or Tower)”); amended Sections 2.2 and 2.3 to provide for the different types of on-farm biofuel production facilities in the A-Agriculture District; amended Sections 5.3, 8.3 and 11.3 to designate wireless communications support structure as a special land use in the A-Agriculture, R-3 Mobile Home Park Residential District, and in the I-Industrial District; and amended Section 13.7 to add the specific special land use approval standards for on-farm biofuel production facility (type II or type III) and for wireless communications support structure (including equipment compound and wireless communications equipment).

### **Amendments of Zoning Map (Rezonings)**

- Ordinance No. 73 adopted 3-8-11 and effective 3-27-11 rezoned certain property in land sections 25 and 26 from the C-Commercial District to the A-Agriculture District.
- Ordinance No. 74 adopted 8-14-12 and effective 8-29-12 rezoned certain property in land section 35 (plat of Woodbrook No. 4) from the A Agriculture District to the R-1 Single Family Residential District.

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ADDENDUM LISTING ORDINANCES AMENDING THE ZONING ORDINANCE TEXT,  
AND ZONING MAP AMENDMENTS (REZONINGS)

**PRAIRIE RONDE TOWNSHIP ZONING ORDINANCE**

**ORDINANCE NO. 71 (as amended)**

**ADOPTED: May 11, 2010**

**EFFECTIVE: May 30, 2010**

An ordinance to establish zoning districts, provisions and regulations for the Township of Prairie Ronde pursuant to Act 110 of the Public Acts of 2006 (the Michigan Zoning Enabling Act), as may be amended, and any other applicable laws; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe sanctions for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith, including the former Zoning Ordinance (Ordinance No. 18, as amended, as reorganized and reformatted pursuant to Ordinance No. 60, as amended).

**THE TOWNSHIP OF PRAIRIE RONDE,**

**KALAMAZOO COUNTY, MICHIGAN,**

**ORDAINS:**

## **CHAPTER 1**

### **SHORT TITLE, PURPOSE AND SCOPE**

- 1.1 **SHORT TITLE:** This ordinance shall be known as the Prairie Ronde Township Zoning Ordinance.
  
- 1.2 **PURPOSE:** This ordinance is based on the Prairie Ronde Township Land Use Plan adopted in 2002 and subsequently updated as the Township Master Plan. This ordinance is designed to limit the location, height, number of stories, and size of buildings, dwellings, and structures that may be erected or altered, and the specific uses for which land may be used and dwellings, buildings and structures may be erected, used or altered in the various zoning districts. This ordinance also provides for the area of yards and other open spaces, and other sanitary, safety and protective measures applicable to dwellings, other buildings, and structures. Among other purposes, these provisions are designed to conserve and protect lands, water and other natural resources in the Township for their most suitable purposes, whether for agriculture, residences, recreation, industry, trade, service, or other appropriate uses; to ensure that uses of land shall be situated in appropriate locations and relationships; to preserve productive agricultural lands for agricultural uses, and to protect such lands against encroachments by incompatible non-agricultural uses; to reduce hazards to life and property; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid inappropriate concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets, and other public facilities; to facilitate the economical and efficient provision of adequate streets and highways, educational and recreational facilities, energy, sewerage, drainage and water supply systems, while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Prairie Ronde Township.
  
- 1.3 **SCOPE:** It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such laws, other ordinances, or private restrictions, the provisions of this ordinance shall control. In their application and interpretation the provisions of this ordinance shall be held to be minimum requirements adopted to promote the public safety, health, and general welfare.



## CHAPTER 2

### CONSTRUCTION OF LANGUAGE; DEFINITIONS

- 2.1 CONSTRUCTION OF LANGUAGE: The following rules of construction apply to the text of this ordinance:
- A. The particular shall control the general.
  - B. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
  - C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
  - D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  - E. A “building” or “structure” includes any part thereof.
  - F. The phrases “used for”, “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for” are intended to have interchangeable meaning.
  - G. The word “person” includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity, or a combination thereof.
  - H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and” or “or”, the conjunction shall be interpreted as follows:
    - 1. “and” indicates that all the connected items, conditions, provisions or events shall apply;
    - 2. “or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - I. The word “he” shall mean he or she.
  - J. Any word or term not specifically defined in this Ordinance shall be considered to be defined in accordance with its most applicable customary or common meaning.

2.2 DEFINITIONS: For the purposes of this Ordinance, certain terms and words are defined as follows:

- Accessory Building: a building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.
- Accessory Structure: a structure (which is not a building) subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building, and which is not attached to the principal building. (This definition shall include swimming pools, satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.)
- Accessory Use: a use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot. This term shall include the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence.
- Agriculture: see definition of "Farming".
- Alley: a passage or way open to public travel generally affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.
- Alter (or alteration): a change in the supporting members of a building or structure; or an addition, diminution, change in use or conversion of a building or structure; or the removal of a building or structure from one location to another.
- Animal: any live non-human species of mammal, and any live species of reptile, amphibian, insect or bird.
- Apartment House: a building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more dwelling units, and with a yard, compound, service, or utilities in common.
- Basement: that portion of a building below the first floor joists, at least half of whose clear ceiling height is below the level of the adjacent ground.
- Bed and Breakfast Inn: a use which is subordinate to the principal use of a single family dwelling in which transient guests are provided a sleeping room and board in return for compensation for a period not to exceed seven consecutive days.

- Biofuel: Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and that meets applicable quality standards, including, but not limited to, ethanol and biodiesel; but not including methane or any other fuel product from an anaerobic digester. For purposes of this term “ethanol” means a substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline. [6]
- Building: an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
- Building Code: the nationally recognized model building, mechanical, plumbing and electrical code(s) in effect in Prairie Ronde Township.
- Building or Structure Height: the vertical distance measured from the average grade at the building or structure foundation to the highest point of the building roof or structure.
- Building Line: the line adjacent to a building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.
- Care Home: includes rest and nursing homes, convalescent homes and boarding homes for the aged, established to render nursing care for chronic or convalescent patients, but excludes facilities for care of active or violent patients such as mental patients, alcoholics, senile psychotics, or drug addicts.
- Child Day Care Center: a facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et. seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center is not, however, intended to include any of the following:
  - o a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or

not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.

- o a facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- Child (Family) Day Care Home: a private home properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et. seq.) in which 1-6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Child (Group) Day Care Home: a private home properly registered or licensed under 1973 Public Act 116, as amended, (MCL 722.111 et. seq.) in which 7-12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Contiguous: adjoining; actually touching at a point or common boundary line.
- District: an area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.
- Dog Kennel: property where six or more dogs are boarded, which includes dogs of the owner or lessee of the property, excluding puppies up to six months of age.
- Domestic Animal: any live animal of a species indigenous to the State of Michigan and not a wild animal or farm animal, including dogs and cats, and also including birds, non-poisonous snakes and lizards, non-poisonous insects, and rabbits, kept as household pets.
- Dwelling: a building or portion thereof arranged or designed to provide living facilities for one or more families.
- Dwelling, Single Family: a building containing one dwelling unit designed for residential use.
- Dwelling, Semi-Detached: one of two buildings, arranged or designed as dwellings located on abutting lots; separated from each other by a party wall, without openings, extending from the basement floor to the highest point of

the roof, along the dividing lot line; and separated from any other building or structure by space on all other sides.

- Dwelling, Two Family (Duplexes): a building containing two separate dwelling units.
- Dwelling, Multiple Family: a building containing three or more dwelling units (an apartment house).
- Dwelling Unit: a building or portion thereof arranged or designed for permanent occupancy by not more than one family for living purposes and having cooking facilities.
- Earth Removal, Quarrying, and Gravel Processing: the digging and/or screening and washing of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture; but not including ready-mix concrete and asphalt plants except as otherwise provided for in this Ordinance. This term is not intended to include grading or filling incidental to improvement of the land.
- Essential Services: the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, including buildings which are primarily enclosures or shelters of the above essential service equipment; but not including other buildings, “public utility service facilities”, or “communication tower” as defined in this Ordinance.
- Exotic Animal: any live animal of a species not indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal.
- Family: one or more persons related by blood, marriage, or adoption, including those related as foster children or servants, and not more than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one dwelling under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of

individuals whose association is temporary and resort-seasonal in character or nature.

- Family Business: an occupation or business activity conducted as an accessory use to the principal residential use of the same property, but which does not qualify as a home based business as defined in this Ordinance.
- Farm: any parcel of land lawfully used for “farming” as defined in this ordinance; and may include a dwelling and accessory farm structures within the property boundaries and the storage of crops produced thereon or on other premises by the farm operator, as well as equipment used in farming operations. **[4]**
- Farming: the production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry, or riding stable or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
- Farm Animal: any live animal (other than a domestic animal) of a species customarily and normally kept as livestock on a farm; and also any other animal other than dogs, cats, exotic animals and wild animals, raised for commercial profit or slaughter.
  - o large farm animals: cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
  - o small farm animals: chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size.
- Farm Structure: any building or structure, other than a dwelling, moved upon, maintained, used or built on a farm, which is customarily used on farms of that type for the pursuit of their agricultural activities. **[4]**
- Floor area: the total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, garages, accessory buildings, attics, breezeways, and porches. The floor area for manufacturing, business or commercial activities shall include customer facilities, showcase facilities, and sales facilities.
- Foster Care (Small Group) Facility: a residential facility, other than a child or adult day care home, licensed by the state pursuant to 1979 Public Act 218, as amended (MCL 400.701 et seq.) or 1973 Public Act 116, as amended

(MCL 722.111 et seq.), which provides residential services for 6 or fewer persons under 24-hour supervision or care.

- Foster Care (Large Group) Facility: a residential facility, other than a child or adult day care home, licensed by the state pursuant to 1979 Public Act 218, as amended (MCL 400.701 et seq.), or 1973 Public Act 116, as amended (MCL 722.111 et seq.), which provides residential services for 7-20 persons under 24-hour supervision or care.
- Frontage: the length of the front property line of the lot, lots or tract of land abutting a public street (or a lawfully established private road).
- Game and Fish Preserves: areas where fish and game are raised for the purpose of providing hunting and fishing privileges to the general public for a fee and which are licensed as such by the State of Michigan.
- Gasoline Service Station: a building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories, and such services as lubrication, washing, polishing and other minor servicing of motor vehicles.
- Home-Based Business: an occupation or business activity conducted as an accessory use to a residential dwelling unit, which has all of the following characteristics:
  - o it is operated in its entirety by the person or persons residing in the dwelling.
  - o it is operated in its entirety within the dwelling unit itself, or entirely within an otherwise permissible garage or accessory building on the same premises.
  - o it is clearly incidental and secondary to the residential use of the building.
  - o it is conducted in such a manner as to not have any customers or clients present on the premises at any time.
  - o it is conducted in such a manner as to not have any deliveries to the premises, or out-going shipments from the premises, in any manner inconsistent with customary single-family residential use.
  - o the premises have no signage or other exterior evidence indicating they are being used for any non-residential purpose.
  - o noise or other objectionable characteristics associated with the business activity are not discernible beyond the dwelling unit.

- Lot: a parcel of land (including a “unit” within a site condominium development) with the frontage required by this Ordinance on a public street, or on a private road as specifically allowed by this Ordinance, and separated from other parcels by legal description, deed or subdivision plot; provided that the owner of contiguous lots may have as many of the contiguous lots considered as a single lot for the purpose of this Ordinance as the owner so elects, or as may otherwise be lawfully required to render the property buildable in conformance with this Ordinance, and in such cases the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines of what may be referred to as a "Zoning Lot".
  - o Lot Area: the total horizontal area within the lot lines of a lot, including the area of the adjoining street right-of-way within the boundaries of the lot.
  - o Lot Depth: the average horizontal distance from the front lot line to the rear lot line.
  - o Corner Lot: a lot situated at the intersection of two or more streets.
  - o Double Frontage Lot: a lot other than a corner lot having frontage on two more or less parallel streets.
  - o Lot Frontage: the length of the front lot line of a lot.
  - o Interior Lot: a lot other than a corner lot with one lot line fronting on a street.
  - o Waterfront Lot: a lot having frontage directly upon a natural or man-made lake, river, stream, pond, or other waterway.
  - o Lot Lines: any line dividing one lot from another, and thus constituting property lines bounding a lot.
  - o Front Lot Line: in the case of an interior lot abutting on one public or private street, the front lot line shall mean the line separating the lot from the street right-of way. In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from that street which is designated as the front street in the plat and/or in the request for a building or zoning compliance permit.
  - o Rear Lot Line: the rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten feet long lying farthest from the front lot line and wholly within the lot. In any case when this definition does not apply the Zoning Administrator shall designate the rear lot line.



- o Side Lot Line: any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- o Lot of Record: a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Kalamazoo County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded with the county.
- o Lot Width: the horizontal distance between the side lot lines, measured at the two points where the building line intersects the side lot lines.
- Mobile Home: a portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equaling or exceeding twelve feet in width and sixty feet in length, and not motorized or self-propelled. Modular, prefab, pre-cut or sectional dwelling units which require being transported to the site separately in two or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which are non-movable after erection, shall not be considered a mobile home, if same complies with the Township Building Code and the provisions of this ordinance. Recreational Vehicles, as defined in this Ordinance, are not mobile homes.
- Mobile Home Park: a specifically designated parcel of land designed and developed to accommodate three or more mobile home sites for continual and non-recreational residential use.
- Mobile Home Site: a plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.
- Non-Conforming Use: a use which lawfully occupied a building/structure or land prior to the enactment of this ordinance or amendments thereto, and that does not conform to the use regulations of this ordinance for the zoning district in which it is located.
- Non-Conforming Building/Structure: a building/structure or portion thereof lawfully existing prior to the enactment of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage) of this ordinance for the zoning district in which it is located.
- Non-Conforming Lot of Record: a lot or parcel lawfully existing of record prior to the enactment of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).

- On-Farm Biofuel Production Facility (Type I): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
  - A. The facility is located on land used in the commercial production of farm products.
  - B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
  - C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
  - D. The facility meets all otherwise applicable setback requirements.
  - E. At least 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
  - F. At least 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis. **[6]**
  
- On-Farm Biofuel Production Facility (Type II): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
  - A. The facility is located on land used in the commercial production of farm products.
  - B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
  - C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
  - D. The facility meets all otherwise applicable setback requirements.
  - E. Less than 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
  - F. Less than 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis. **[6]**
  
- On-Farm Biofuel Production Facility (Type III): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of at least 100,000 gallons but not more than 500,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.

**[6]**

- Permitted Use: a use designated as a “permitted use” in a zoning district is recognized as a use of land and buildings which is harmonious with other permitted uses within the same district. A permitted use is subject to any applicable provisions of this Ordinance, but is otherwise considered a lawful use not requiring prior review and zoning use approval.
- Place of Worship: a building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.
- Principal Building: a building in which is conducted the principal use of the lot upon which it is situated.
- Principal Use: the main, primary or predominant use of a lot.
- Public Utility Service Facilities: gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures not constituting “essential services” as defined in this Ordinance.
- Recreational Vehicle: a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for temporary lodging. This term includes folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.
- Setback (Building or Structure): the minimum horizontal distance required to exist between a building or structure (including steps or porches), and the front, side or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.
- Shelter, Fall-Out: a structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies.

- Sign: any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors, in such a manner as to attract attention from outside the building.
- Sign Area: the entire area within a regular geometric form or combination of regular forms comprising all of the display area of a sign and including all of the elements of the matter displayed; but not including frames and structural supports not bearing advertising matter.
- Sign, Outdoor Advertising: a sign which calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
- Site Condominium: a land development consisting of not less than two single-family units (lots) established in conformance with the Michigan Condominium Act (PA 59 of 1978 as amended) and this Ordinance.
- Special Land Use: a use designated as a “special land use” in a zoning district is recognized as possessing characteristics of such unique or special nature (relative to location, design, size, public utilities needs, and other characteristics) as necessitating prior review and approval for the particular proposed location pursuant to approval standards specified in this ordinance, to safeguard the general health, safety and welfare of the community.
- Story: that portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.
- Street (or Road): a public dedicated right-of-way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.
- Structure: anything constructed, assembled or erected the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50% solid. The word “structure” shall not apply to wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.
- Variance: a modification of the literal provisions of a dimension or other requirement, as opposed to the use of the property, which is granted when

strict enforcement would cause practical difficulties because of circumstances inherent in the individual property on which the variance is granted.

- Wild Animal: any live animal of a species indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.
- Wireless Communications Support Structure: means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-support lattice tower, guyed tower, water tower, utility pole, or building; provided that for purposes of this Ordinance this term shall not include any tower or other support structure under 50' in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas.

A tower or other structure within the scope of this definition shall not be considered to be either "Essential Services" or "Public Utility Service Facilities" for purposes of this Ordinance, as those terms are defined in this Ordinance.

See Section 13.7 (sub-part 11) for other related defined terms used in that section. [6]

- Yard, Side-Rear-Front: a general term applied to the space on a lot or parcel, which contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.
- Yard, Required Side-Rear-Front: an open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.
  - o Front: an open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
  - o Rear: an open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch or projection thereof.

- o Side: an open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or projection thereof.
- Zone: (see District)
- Zoning Administrator: the person or persons appointed by the Township Board to administer and enforce this ordinance; may also be known as the Zoning Inspector or Zoning Enforcement Officer.
- Zoning Compliance Permit: an authorization issued by the Zoning Administrator indicating that the proposed use and location of a building or structure conforms with the pertinent provisions of the Ordinance, including the setback and yard requirements.

## CHAPTER 3

### GENERAL PROVISIONS

- 3.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with this Ordinance and all applicable provisions of the Township Building Code.
- 3.2 ZONING COMPLIANCE PERMITS: No building or structure, other than accessory structures, shall be constructed, enlarged, altered, occupied, moved, reconstructed, or otherwise used in whole or in part upon any premises until a zoning compliance permit has first been issued by the Zoning Administrator certifying that the location of the building or structure and the intended use thereof is in compliance with the provisions of this Ordinance. This zoning compliance permit requirement shall apply even if a building or structure is exempt from a building permit requirement pursuant to the Township Building Code.
- 3.3 PRINCIPAL BUILDING/USE: No lot shall contain more than one principal building or use; provided that groups of otherwise lawful apartment buildings or retail business buildings under single ownership on the same lot may be collectively considered a single principal use.
- 3.4 REQUIRED LOT, YARD, AREA OR OTHER SPACES:
- A. All lots, yards, areas or other spaces shall comply with the lot, front yard, rear yard, side yard, parking area and other space requirements of the zoning district in which they are located. (See Chapter 12 of this Ordinance for the lot, yard and area requirements of the various zoning districts.)
  - B. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.
  - C. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building.
- 3.5 LIMITATIONS ON HEIGHT: No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this Ordinance for the zone in which such building/structure is located, except such height limitations shall not apply to the following: spires of places of worship, belfries, cupolas, and communication towers/antennas (except as otherwise specifically regulated in this Ordinance), domes not used for human

occupancy, chimneys, ventilators, skylights, water tanks, barns, silos, bulkheads, and necessary mechanical appurtenances usually situated above the roof level, except where the building official determines such additional building/structure height to interfere with aerial navigation or constitute a fire hazard; provided that such features shall not exceed in total coverage 20% of the total roof area.

3.6 MINIMUM STANDARDS FOR DWELLINGS: A dwelling shall comply with the following standards:

- A. The dwelling shall have a minimum width along each exterior front, side or rear wall elevation of 20 feet with at least one-third of each front, side or rear elevation also having a depth of 20 feet. The word "elevation" shall mean the total length of the front, side or rear wall of a dwelling facing in the same general direction regardless of whether the wall is designed with projections, indentations, or other irregular configurations.
- B. The dwelling shall have a minimum gross floor area in accordance with the requirements of Chapter 12 for the applicable zoning district, and shall have a minimum floor to ceiling height of 7.5 feet.
- C. The dwelling shall be permanently attached to a solid foundation constructed on the site in accordance with the Building Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the State pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended.
- D. The dwelling shall not have any exposed wheels, towing mechanisms, undercarriage, or chassis. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
- E. The dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the County Health Department.
- F. The dwelling, including any additions, shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, and permanently attached steps connected to the exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.



The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or departure from the common or standard designed home.

- G. The dwelling shall comply with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and in compliance with such amended standards as from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Building Code, then, and only in that event, the less stringent federal or state standards or regulations shall apply.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent allowed or required by law.

- 3.7 USED DWELLINGS: All the dwelling standards in Section 3.6 of this Ordinance apply to a used dwelling which is to be installed in the Township. A zoning compliance permit shall be obtained for any used dwelling proposed to be installed in the Township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the application for a zoning compliance permit. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.

- 3.8 BASEMENT DWELLINGS: The use of a basement of a partially built building as a dwelling is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside; provided that where one wall is entirely above grade level of the yard adjacent to the wall and access or egress to the out-of-doors is provided through the wall, the

structure shall not be considered a basement dwelling. It is not the intent of this ordinance to prevent the construction or occupancy of earth sheltered housing complying with all applicable requirements.

- 3.9 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS: Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.
- 3.10 LIGHTING LIMITATIONS: The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or streets. All exterior lighting fixtures associated with new construction shall be designed and maintained in a downward-facing configuration. **[1]**

## CHAPTER 4

### ZONING DISTRICTS AND ZONING MAP

#### 4.1 ZONING DISTRICTS:

- A. For the purpose of this ordinance, Prairie Ronde Township is hereby divided into the following zoning districts:
- A Agriculture
  - R-1 Single Family Residential
  - R-2 Two Family and Multiple Family Residential
  - R-3 Mobile Home Park Residential
  - OS Open Space
  - C Commercial
  - I Industrial
- B. The location and boundaries of the zoning districts shall be shown on a map entitled Zoning Map, which is hereby made a part of this ordinance to the same extent as if the information set forth on the map were fully described and incorporated herein.
- C. The official Zoning Map shall be in the custody of the Clerk or such other person as may be approved by the Township Board.

#### 4.2 BOUNDARIES OF ZONES: Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules shall apply:

- A. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on the zoning map.
- B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- C. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
- D. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or beds, and

in the event of change in the location of same shall be construed as moving with the shoreline or bed.

- E. Where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- F. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

4.3 PERMISSIVE ZONING CONCEPT: Land uses are allowed in the various zoning districts by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, unless construed by the Zoning Board of Appeals to be sufficiently similar to a use expressly allowed to be considered to be within the intended scope of the expressly allowed use. No land contained within any zoning district within this Township shall be used for any purpose other than those uses specifically allowed in the zoning district in which the building or land is located, except as otherwise specified herein.

## CHAPTER 5

### A-AGRICULTURE DISTRICT

5.1 DESCRIPTION OF DISTRICT: This District is composed of certain land in outlying areas presently of rural character. Such land is zoned for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development is limited to a low concentration and to those uses that will not be detrimental to agricultural uses. Subdivisions, planned unit developments, site condominiums, and any other form of development involving more than one lot are not allowed in this district.

5.2 PERMITTED USES:

- A. Single family dwelling.
- B. Farming activities, including stock nurseries (trees/shrubs). See Section 18.3.D. for provisions relating to the keeping of farm animals.
- C. The sale of farm or dairy produce which has been raised on the farm from which it is to be sold.
- D. Child (Family) Day Care Home.
- E. Foster Care (Small Group) Facility.
- F. Essential services.
- G. Home-based business.
- H. On-Farm Biofuel Production Facility (Type I). **[6]**

5.3 SPECIAL LAND USES (must comply with Chapter 13):

- A. Place of worship.
- B. Earth removal, quarrying, and gravel processing.
- C. Eleemosynary, charitable and philanthropic institution.
- D. Game and fish preserve.
- E. Golf course.
- F. Family Business.

- G. Public utility service facilities.
- H. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
- I. Care Home.
- J. Wireless Communications Support Structure. **[6]**
- K. Child (Group) Day Care Home.
- L. Foster Care (Large Group) Facility.
- M. Private noncommercial club.
- N. Bed and Breakfast Inn.
- O. Cemetery.
- P. School (parochial or private).
- Q. Private airfields and landing strips.
- R. On-Farm Biofuel Production Facility (Type II or Type III). **[6]**

5.4 LOT, YARD AND AREA REQUIREMENTS: Except as provided elsewhere herein, the lot, yard and area requirements shall be as specified in Chapter 12.

5.5 SITE PLAN REVIEW: In accordance with Chapter 14.

5.6 OFF-STREET PARKING REQUIREMENTS: In accordance with Chapter 15.

5.7 SIGNS: In accordance with Chapter 16.

5.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In accordance with Chapter 17.

## **CHAPTER 6**

### **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

- 6.1 **DESCRIPTION OF DISTRICT:** This district is composed of certain land in outlying areas presently of a rural residential character where low density single family residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to low density single family residential use consistent with limited rural type facilities and services.
- 6.2 **PERMITTED USES:**
- A. Single family dwelling.
  - B. Child (Family) Day Care Home.
  - C. Foster Care (Small Group) Facility.
  - D. Essential services.
  - E. Home-based business.
- 6.3 **SPECIAL LAND USES (must comply with Chapter 13):**
- A. Place of worship.
  - B. Public utility service facilities.
  - C. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
  - D. Child (Group) Day Care Home.
  - E. Foster Care (Large Group) Facility.
  - F. Bed and Breakfast Inn.
  - G. School (parochial or private).
- 6.4 **LOT, YARD AND AREA REQUIREMENTS:** Except as provided elsewhere herein, the lot, yard and area requirements shall be as specified in Chapter 12.
- 6.5 **SITE PLAN REVIEW:** In accordance with Chapter 14.
- 6.6 **OFF-STREET PARKING REQUIREMENTS:** In accordance with Chapter 15.

6.7 SIGNS: In accordance with Chapter 16.

6.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In accordance with Chapter 17.



## CHAPTER 7

### R-2 TWO FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT

7.1 DESCRIPTION OF DISTRICT: This district is composed of residential areas where two family or multiple family residential development has occurred, or appears desirable to occur. This district also allows single family residential development at a density higher than allowed in the A or R-1 districts. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to higher density single family, two family and multiple family residential use where adequate facilities and services will be provided.

7.2 PERMITTED USES:

- A. Single family dwelling.
- B. Two family dwelling, and semi-detached dwelling.
- C. Multiple family dwelling (apartment buildings).
- D. Business office in an apartment building for conducting business incidental to the rental, operation, service and maintenance of the apartment building or buildings.
- E. Child (Family) Day Care Home.
- F. Foster Care (Small Group) Facility.
- G. Essential services.
- H. Home-based business.

7.3 SPECIAL LAND USES (must comply with Chapter 13):

- A. Child Day Care Center.
- B. Family business.
- C. Public utility service facilities.
- D. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
- E. Care Home.
- F. Child (Group) Day Care Home.
- G. Foster Care (Large Group) Facility.

- 7.4 LOT, YARD AND AREA REQUIREMENTS: Except as provided elsewhere herein, the lot, yard and area requirements shall be as specified in Chapter 12.
- 7.5 SITE PLAN REVIEW: In accordance with Chapter 14.
- 7.6 OFF-STREET PARKING REQUIREMENTS: In accordance with Chapter 15.
- 7.7 SIGNS: In accordance with Chapter 16.
- 7.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In accordance with Chapter 17.

## CHAPTER 8

### R-3 MOBILE HOME PARK RESIDENTIAL DISTRICT

- 8.1 DESCRIPTION OF DISTRICT: This district is intended solely for mobile home parks and associated accessory uses, and to encourage a suitable environment for persons and families choosing to live in a mobile home development. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area should also be suitable for residential use of the density associated with mobile home parks.
- 8.2 PERMITTED USES:
- A. Single Family Dwelling in a mobile home park; and any of the following uses in a single family dwelling within a mobile home park:
    - 1. Child (Family) Day Care Home.
    - 2. Foster Care (Small Group) Facility.
    - 3. Home-based business.
  - B. Essential services.
- 8.3 SPECIAL LAND USES (must comply with Chapter 13):
- A. Mobile home park, including incidental accessory buildings and uses, such as recreational buildings and facilities, laundry facilities, maintenance garage, and storage facilities; but excluding any retail sales of mobile homes except for individual mobile homes located upon a developed mobile home site.
  - B. Child (Group) Day Care Home, in a single family dwelling within a mobile home park.
  - C. Foster Care (Large Group) Facility, in a single family dwelling within a mobile home park.
  - D. Child Day Care Center.
  - E. Wireless Communications Support Structure. **[6]**
  - F. Public utility service facilities.
- 8.4 LOT, YARD AND AREA REQUIREMENTS: Except as provided elsewhere herein, the lot, yard and area requirements shall be as specified in Chapter 12.
- 8.5 SITE PLAN REVIEW: In accordance with Chapter 14.

8.6 OFF-STREET PARKING REQUIREMENTS: In accordance with Chapter 15.

8.7 SIGNS: In accordance with Chapter 16.

8.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In accordance with Chapter 17.

## **CHAPTER 9**

### **OS - OPEN SPACE DISTRICT**

- 9.1 **DESCRIPTION OF DISTRICT:** This district is composed of lands within the Township which possess unique, natural and man-made resources which shall be preserved or protected for the benefit of existing and future residents. Such land is zoned for open space use in order to retain areas in the township for such uses as parks, recreational or educational pursuits, and historical or natural resource preservation. Residential development shall be considered secondary and incidental to the primary intent of open space preservation, with such use limited to single family residential development on large tracts.
- 9.2 **PERMITTED USES:**
- A. Public park, school, playground or other recreational or educational facilities which preserve or provide open space for the public benefit.
  - B. Historical or natural resources (such as the prairie) which should be preserved due to their historic significance or need for environmental protection of a unique natural resource.
  - C. Essential services.
- 9.3 **SPECIAL LAND USES (must comply with Chapter 13):**
- A. Place of worship.
  - B. Game and fish preserve.
  - C. Golf course, with accessory residential and on-site commercial development.
  - D. Single family dwelling; and any of the following uses therein approved as a special land use:
    - 1. Child (Family) Day Care Home.
    - 2. Foster Care (Small Group) Facility.
    - 3. Home-based business.
  - E. Cemetery.
  - F. School (parochial or private).
- 9.4 **LOT, YARD AND AREA REQUIREMENTS:** Except as provided elsewhere herein, the lot, yard and area requirements shall be specified in Chapter 12.

- 9.5 SITE PLAN REVIEW: In accordance with Chapter 14.
- 9.6 OFF-STREET PARKING REQUIREMENTS: In accordance with Chapter 15.
- 9.7 SIGNS: In accordance with Chapter 16.
- 9.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In accordance with Chapter 17.

## **CHAPTER 10**

### **C-COMMERCIAL DISTRICT**

- 10.1 **DESCRIPTION OF DISTRICT:** This district is designed to accommodate business pursuits of a low impact retail, office, or service nature in very limited areas of the Township, consistent with the Township's Land Use Plan. The regulations for this zoning district are designed to permit development of the enumerated commercial uses as limited to protect the abutting and surrounding residential properties.
- 10.2 **PERMITTED USES:**
- A. Retail indoor sales of goods and services (except a use designated as a special land use in Section 10.3).
  - B. Offices, business or professional.
  - C. Restaurant or similar eating establishment.
  - D. Contractor's work shop.
  - E. Essential Services.
- 10.3 **SPECIAL LAND USES (must comply with Chapter 13):**
- A. Automobile, boat and marine equipment sales, with no outdoor dismantling of cars/boats or outdoor storage of dismantled cars/boats.
  - B. Gasoline service station.
  - C. Package liquor sales.
  - D. Public utility service facilities.
- 10.4 **LOT, YARD AND AREA REQUIREMENTS:** Except as provided elsewhere herein, the lot, yard and area requirements shall be as specified in Chapter 12.
- 10.5 **SITE PLAN REVIEW:** In accordance with Chapter 14.
- 10.6 **OFF-STREET PARKING REQUIREMENTS:** In accordance with Chapter 15.
- 10.7 **SIGNS:** In accordance with Chapter 16.
- 10.8 **ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES:** In accordance with Chapter 17.

## CHAPTER 11

### I-INDUSTRIAL DISTRICT

11.1 DESCRIPTION OF DISTRICT: This district is limited to certain areas located along major county thoroughfares and/or adjoining commercial areas. This district is primarily intended for industrial uses, where all work is carried on within an enclosed building or where external effects are otherwise limited, and where such uses can be operated in a clean and quiet manner, producing little external effect of an objectionable nature to the other permissible uses or to any uses in adjoining non-industrial districts.

11.2 PERMITTED USES:

- A. Agriculture.
- B. Animal hospital.
- C. Dog kennel.
- D. Offices and office buildings.
- E. Manufacturing, compounding, processing, assembling or treatment of articles, commodities or merchandise, where all work is carried on within an enclosed building, and where any outdoor storage is limited to not more than 10% of the lot area and is maintained within the rear yard area.
- F. Packaging of previously prepared materials.
- G. Printing, lithographics, blueprinting and similar uses.
- H. Warehousing or storage (fully enclosed) of commodities or merchandise, (except animals, commercial explosives, or above or below ground bulk storage of flammable liquids, or gases, unless and only to the extent that such storage of liquids or gases is directly related to energy or heating on the premises).
- I. Essential services.

11.3 SPECIAL LAND USES (must comply with Chapter 13):

- A. Automobile repair garage.
- B. Wireless Communications Support Structure. **[6]**
- C. Construction, machinery, heavy equipment and farm equipment sales.
- D. Contractor's equipment yard.



- E. Earth removal, quarrying and gravel processing.
- F. Gasoline service station.
- G. Grain equipment and processing.
- H. Hardware and building supplies.
- I. Lumber, fuel and feed yard.
- J. Machine shop.
- K. Public utility storage yard.
- L. Public utility service facilities.
- M. Storage and warehousing (not fully enclosed).
- N. Ready-mix concrete and asphalt plant.
- O. Slaughter house.
- P. Any other industrial use not enumerated above which is consistent with the intent and purpose of this district, where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties.

- 11.4 LOT, YARD AND AREA REQUIREMENTS: Except as provided elsewhere herein, the lot, yard and area requirements shall be as specified in Chapter 12.
- 11.5 SITE PLAN REVIEW: In accordance with Chapter 14.
- 11.6 OFF-STREET PARKING REQUIREMENTS: In accordance with Chapter 15.
- 11.7 SIGNS: In accordance with Chapter 16.
- 11.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In accordance with Chapter 17.

## CHAPTER 12

### SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

<b>Principal Building/Structure</b>	<b>A</b>	<b>R-1</b>	<b>R-2<sup>5/</sup></b>	<b>R-3</b>	<b>OS</b>
Min. Lot Frontage, Lot Width (ft)	330 <sup>6/</sup>	125	100	70	330
Single Family Dwelling	330 <sup>6/</sup>	125	100	70	330
Two Family Dwelling	---	---	100	---	---
Multiple Family Dwelling	---	---	100	---	---
Min. Lot Area (acres or sq. ft.)	2 acres <sup>6/</sup>	20,000	15,000	7,000	3 acres
Single Family Dwelling	2 acres <sup>6/</sup>	20,000	15,000	7,000	3 acres
Two Family (sq. ft. per Dwelling Unit)	---	---	15,000	---	---
Multiple Family (sq. ft. per Dwelling Unit)	---	---	15,000	---	---
Max. Height (ft.)	35	35	<sup>7/</sup>	25	35
Max. Coverage of Lot (%)	10	15	<sup>8/</sup>	30	10
Min. Floor Area Per Dwelling Unit (sq. ft.)					
Single Family	1,000	1,000	1,000	900	1,000
Two Family	---	---	800	---	---
Multiple Family	---	---	600	---	---
Min. Front Yard Setback (ft.)	50	40	35 <sup>2/</sup>	35	60
Min. Side Yard <sup>1/</sup> (ft.)	20	15	10 <sup>3/</sup>	10	25
Min. Rear Yard (ft.)	50	40	35 <sup>4/</sup>	5	60
<b>Accessory Buildings/Structures</b>					
Min. Setback (See Section 17.1.B.)	---	---	---	---	---
Min. Side Yard <sup>1/</sup> (ft.)	5	5	5	10	10
Min. Rear Yard (ft.)	5	5	5	10	10
Max. Height (ft.)	15	15	15	15	15
Max. Coverage (% of rear yard) <sup>9/</sup>	5	10	15	20	5

- <sup>1/</sup> On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line does not front on the side street of the corner lot, the side yard shall not be less than  $\frac{2}{3}$  the front yard setback required for that district.
- <sup>2/</sup> Or equal the height of the building, whichever is greater.
- <sup>3/</sup> Or  $\frac{1}{2}$  the height of the building, whichever is greater.
- <sup>4/</sup> Or  $\frac{3}{4}$  the height of the building, whichever is greater.
- <sup>5/</sup> The minimum distance between multiple family buildings within a single project area shall be as follows:
- a. Where buildings are front to front or front to rear: two times the height of the taller building but not less than 50 feet.
  - b. Where buildings are side to side, if there are no windows on the side walls: a distance equal to the height of the taller building but not less than 20 feet.
  - c. Where buildings are front to side or rear to side, if there are no windows on the side walls: one and one half times the height of the taller building but not less than 30 feet.
  - d. Where buildings are rear to rear and side to side with windows on the side walls: one and one half times the height of the taller building but not less than 30 feet.
  - e. When a roadway is located between two buildings, the width of the roadway shall be in addition to the above minimum distance between buildings.
- <sup>6/</sup> Where a parcel in the "A" Agriculture zoning district is of record in the office of the Register of Deeds of Kalamazoo County as of December 31, 1993, that parcel shall be a buildable parcel if it had at least 165 feet of frontage and an area of at least 1 acre. For purposes of this subsection, a legal parcel of record means that a deed, land contract or memorandum of land contract describing the parcel was on file with the Register of Deeds, and same was created in conformity with the Subdivision Control Act/Land Division Act.
- <sup>7/</sup> Single family dwelling: 35 feet.

Two-family dwelling: 35 feet.  
Multiple family dwelling: 50 feet.

<sup>8/</sup> Single family dwelling: 20%  
Two-family dwelling: 25%.  
Multiple family dwelling: 30%.

<sup>9/</sup> With respect to corner lots, the designated percentage maximum coverage for an accessory building shall be the greater of the following:

- a. % of the area of the rear yard.
- b. % of the area of that portion of the open portion of the lot lying between (1) a line extending from the front lot line through the side-end of the dwelling or other principal building to the rear lot line, and (2) the side lot boundary line facing that side-end of the dwelling or other principal building.

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (Con't)

<b>Principal Building/Structure</b>	<b>C</b>	<b>I</b>
Min. Lot Frontage, Lot Width (ft)	100	330
Min. Lot Area (sq. ft)	43,560	130,000
Max. Height (ft)	35	35
Max. Coverage of Lot (%)	100 <sup>2/</sup>	40
Min. Front Yard Setback (ft)	25	100
Min. Side Yard <sup>1/</sup> (ft)	25	50
Min. Rear Yard	25	50
<b>Accessory Buildings/Structures</b>		
Min. Setback (See Section 17.1.B.)	---	---
Min. Side Yard <sup>1/</sup> (ft)	25	25
Min. Rear Yard (ft)	25	25
Max. Height (ft)	15	15
Max. Coverage (% of Lot)	10	10

<sup>1/</sup> On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line does not front on the side street of the corner lot, the side yard shall not be less than 2/3 the front yard setback required for that district.

The setback or yard area of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to a residential district shall be two times that required within the district as specified above, or a minimum of 25 feet, whichever is greater; and said use or activity shall be effectively screened by compact evergreens, fence or wall, from any adjacent residential district.

<sup>2/</sup> 100% of lot area excluding area of required side and rear yard setback plus parking area required per Chapter 15 for the principal building or structure.

## CHAPTER 13

### SPECIAL LAND USES

- 13.1 EXPLANATION OF SPECIAL LAND USES: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as special land uses within the various zoning classifications set forth in the ordinance.

Such special land uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without property controls and limitations, might cause it to be incompatible with the other uses allowed in such zoning district and accordingly detrimental thereto.

- 13.2 SPECIAL LAND USE PROCEDURE:

- A. All applications for special land use permits shall be filed with the Clerk and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a special land use permit.
- B. Upon receipt of an administratively complete application the Township Clerk shall refer the application and all pertinent plans, specifications, data, and correspondence to the Planning Commission and Township Board. The Planning Commission shall have a reasonable opportunity to review the application and make an advisory recommendation to the Township Board with respect to the application, based on the standards for special land use approval in this Ordinance. Notice of the meeting at which the Planning Commission will conduct its advisory review of the application shall be given in such manner as the Township Board or Planning Commission may determine. In the event that the Planning Commission fails to make an advisory recommendation as provided herein within 30 days of the receipt of an application from the Township Clerk, the Township Board may proceed to act on the application as provided herein without receiving the advisory recommendation of the Planning Commission.
- C. The Township Board shall hold a public hearing on an administratively complete application, preceded by notification as required by law. The applicant shall have the burden of proof for issuance of the special land use permit, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Township Board.

- D. Following such hearing the Township Board shall either approve, deny, or approve with conditions a permit for such special land use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is approved shall be specified in the decision and shall be filed with the Zoning Administrator and the Township Clerk.
- E. All special land uses are also subject to site plan review pursuant to Chapter 14 of this Ordinance.

13.3 STANDARDS FOR DECISION: Special land uses are not allowed to be engaged in within a particular zone in which they are listed in this ordinance unless and until the Township Board approves or approves with conditions a special land use permit. Such approval shall be granted when the Township Board finds from the evidence produced at the hearing that:

- A. The size, nature and character of the use will be compatible with the other uses expressly allowed within the zoning district, especially where the location of the use is adjacent to or in close proximity to residential dwellings, with the imposition of conditions if necessary; and
- B. The proposed use will be compatible with the natural environment of the area, and with the capacities of public services and facilities affected by the land use; and
- C. The proposed use is consistent with the land use plan for physical development of Prairie Ronde Township, as embodied in this ordinance and in any master plan approved by the Township; and
- D. The proposed use will not in any manner be detrimental or injurious to the use or development of adjacent properties and of the occupants thereof, or to the general neighborhood; and
- E. The proposed use will not adversely affect the public health, safety and general welfare of the community; and
- F. The proposed use will be in accordance with the character and adaptability of the land at issue, and accommodate all off-street parking requirements imposed by this Ordinance; and
- G. The general standards hereinabove required for the allowance of such a special land use can and will be complied with at all times; and
- H. The specific standards as may be set forth in this ordinance for the particular use can and will be complied with at all times. (See Section 13.7.)

13.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL LAND USES: Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or to protect the natural environment and

conserve natural resources and energy, or to insure compatibility with adjacent uses of land, or to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The Township Board shall have the right to limit the duration of a special land use where the same is of a temporary nature and reserve the right of periodic review of compliance with the conditions and limitations imposed upon such use.

13.5 COMPLIANCE WITH APPROVAL: An approved special land use which at any time fails to comply with the terms of the permit, or any provision of this Ordinance, shall cease to be a lawful use and shall be subject to revocation in accordance with Section 13.6, in addition to the legal sanctions and remedies generally applicable to any violation of this Ordinance.

13.6 REVOCAION OF SPECIAL LAND USE PERMITS: All special land uses for which a permit has been approved shall be subject to the following provisions, as a condition automatically imposed upon every such approved special land use:

- A. Zoning Administrator Revocation Recommendation. The Zoning Administrator may recommend revocation of a special land use permit upon determining a probable violation of the terms and conditions of a special land use permit or related provisions of this Ordinance. The Zoning Administrator shall provide written notice of the revocation recommendation to the permit holder/property owner by personal delivery or regular mail, and also to the Township Clerk by personal delivery or regular mail.
- B. Township Board Review of Revocation Recommendation. The Township Board shall review the Zoning Administrator's recommendation to revoke a special land use permit, and shall hold a public hearing thereon preceded by notice in accordance with statutory provisions governing special land use matters. The Township Board may request an advisory Planning Commission review and recommendation on the Zoning Administrator's recommendation.



- C. Revocation of Special Land Use Permit. After notice and public hearing as provided herein the Township Board may vote, by a majority of its membership, to revoke a special land use permit upon verifying the grounds for the Zoning Administrator’s revocation recommendation by a preponderance of the evidence presented thereon at the hearing, and upon a further finding that the underlying violations have not been cured, and are not likely to be cured within a reasonable period of time as established by the Township Board. Written notification of a Township Board determination to revoke a special land use permit shall be provided to the permit holder and property owner by personal delivery or regular mail.
- D. Appeal of Revocation of Special Land Use Permit: Premises for which a special land use permit has been revoked by the Township Board shall be used only as allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district. A determination of the Township Board revoking a special land use permit may be appealed to the Zoning Board of Appeals within 21 days of the determination.

13.7 STANDARDS REQUIRED OF PARTICULAR SPECIAL LAND USES: The following specific standards shall be required of the particular special land uses designated in this section pursuant to Section 13.3.H. of this Ordinance, in addition to the standards specified in Section 13.3.A-G. The required standards enumerated below are referred to by the numbers following each special land use in the following table:

<u>SPECIAL LAND USE</u>	<u>MINIMUM REQUIRED STANDARDS*</u>
1. Asphalt & concrete ready-mix plant.....	2, 4, 5f, 10
2. Automobile repair garage .....	2, 4, 5d, 8
3. Automobile sales.....	2, 4, 5e, 8
4. Bed and Breakfast Inn.....	16
5. Boat and marine equipment sales.....	2, 4, 5e, 8
6. Care home .....	3, 5a
7. Cemetery .....	2, 3, 5a
8. Child day care center.....	1, 4, 5a
9. Child (group) day care home.....	14
10. Club, private non-commercial .....	1, 4, 5b
11. Contractor’s equipment yard.....	2, 4, 5e, 8
12. Construction, machinery, heavy equipment, or farm machinery sales.....	2, 4, 5e, 8
13. Earth removal, quarrying and gravel processing.....	10
14. Family Business .....	12
15. Foster care (large group) facility.....	15
16. Gasoline service station .....	2, 4, 5d, 7
17. Golf course .....	2, 3, 5d
18. Grain equipment and processing.....	4, 5d
19. Institutions, charitable, eleemosynary, philanthropic.....	1, 3, 5c
20. Lumber, fuel and feed yard.....	4, 5d
21. Mobile home park.....	13
22. On-farm biofuel production facility (Type II or Type III).....	18
23. Package liquor sales .....	5d

24. Place of worship .....	1, 5b
25. Private airfields and landing strips.....	17
26. Public utility service facilities .....	1, 4, 5a, 9
27. Public utility storage yard.....	4, 5c
28. School, parochial and private .....	1, 5b
29. Slaughter house .....	2, 4, 5f
30. Storage and warehousing.....	4, 5d
31. Wireless communications support structure .....	11

1. The use shall have frontage on an existing or officially proposed street having a primary or greater classification.
2. The use shall have frontage on an existing or officially proposed street having a secondary or greater road classification.
3. The use shall have off street parking facilities to satisfy average parking needs.
4. The use shall have off street parking facilities to satisfy peak parking needs.
5. Building and activities shall not be closer than the specified number of feet to adjacent residential properties.
  - a. 25 feet
  - b. 50 feet
  - c. 100 feet
  - d. 200 feet
  - e. 500 feet
  - f. 1000 feet
6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen plantings and fencing whenever deemed necessary by the Township Board.
7. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the Township Board and shall not be less than six feet in height.

10. Earth Removal, Quarrying, Gravel Processing

a. Location.

- (1) All such operations shall be located on a primary road, as defined by the Kalamazoo County Road Commission, for ingress and egress thereto, or on a road which does not create traffic through a subdivision, or other area determined by the Township Board to be developed primarily for residential purposes. The Township Board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (2) All excavations/quarrying and related operations shall be located:
  - (a) at least 150 feet from all interior boundary lines with adjoining property under different ownership, or such greater distance as may be necessary to assure adequate lateral support for adjoining property. The Township Board may reduce or eliminate this requirement with respect to a common boundary line with adjoining property on which a lawful mining operation is being conducted, or if the owner of the adjoining property consents in writing to the reduction or elimination of the required setback from a common boundary line.
  - (b) at least 300 feet from any dwelling, regardless of the zoning district in which the dwelling is located. The Township Board may reduce or eliminate this requirement with respect to a dwelling under the ownership and control of the owner of the property for which special land use approval is requested.
  - (c) at least 1,000 feet from the boundary line of any Residential zoning district (R-1 through R-3) and from the boundary line of the Open Space zoning district.
- (3) All excavations/quarrying and related operations shall be located at least 75 feet from adjoining public rights-of-way, or such greater distance as may be required to assure adequate lateral support for such rights-of-way, except for

the lowering of land within the required setback area to not lower than the grade of the adjoining rights-of-way.

- (4) Notwithstanding the preceding setback requirements in subparts (2) and (3), all crushing/processing activities and structures (permanent or temporary) shall be located:
  - (a) at least 250 feet from the boundary lines of adjoining property under different ownership; provided the Township Board may reduce or eliminate this requirement with respect to a common boundary line with adjoining property on which a lawful mining operation is being conducted, or if the owner of the adjoining property consents in writing to the reduction or elimination of the required setback from a common boundary line.
  - (b) at least 250 feet from adjoining public rights-of-way.
  - (c) at least 1,000 feet from any dwelling, regardless of the zoning district in which the dwelling is located; provided the Township Board may reduce or eliminate this requirement with respect to a dwelling under the ownership and control of the owner of the property for which special land use approval is requested.
  - (d) where practicable, close to the center of the property, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to digging or excavating apparatus, the stockpiling or loading of material, or equipment used for the transportation of material; all of which are subject to the setback requirements in subparts (2) and (3).
- (5) All excavation/quarrying operations, processing plants, and accessory structures shall be located in compliance with all applicable federal, state and county requirements pertaining to surface waters and watercourses, including official county drains.
- (6) All private drives and private access routes serving excavation/quarrying or processing operations shall be located at least 300 feet from any dwelling, regardless of the zoning district in which such dwelling is located. The Township Board may reduce or eliminate this requirement with respect to a dwelling under the ownership and control of

the owner of the property for which special land use approval is requested.

b. Sight Barriers.

- (1) Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
  - (a) earth berms constructed to a height of six feet above the mean elevation of the centerline of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees or shrubs.
  - (b) plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four feet in height at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height.
  - (c) masonry walls or solid fences constructed to a height of not less than six feet and inconspicuous as to color or writing thereon.

c. Nuisance Abatement.

- (1) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- (2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

d. Reclamation of Mined Areas.

- (1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within three years after termination of mining or excavation activity.

Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.

- (2) The following standards shall control reclamation and rehabilitation:

- (a) All excavation shall be either to a water-producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:

- (i) that the excavated area shall not collect stagnant water and not permit the same to remain therein; or,

- (ii) that the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

- (b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to four feet horizontal.

- (c) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.

- (d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and

shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.

- (e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.
- (3) Financial guarantees shall be furnished the Township insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$1,000.00 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to four foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the Zoning Administrator or such other official as may be designated by the Township Board. Such financial guarantee may be in any one of the following forms: cash, certified check, irrevocable bank letter of credit, or corporate surety bond of a licensed insurance company. In no event shall such financial guarantee be less than \$3,000.00 in amount.

e. Submission of Operational and Reclamation Plans.

- (1) No earth removal, quarrying, gravel processing, mining, and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Township Board, disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be

secured by the applicant. Such plans shall include, among other things, the following:

- (a) a contour map of the tract of land involved in the operations, including dimensions of the same, access thereto from abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
- (b) the number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
- (c) the type of mining or processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (d) the location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (e) the type of soil around the perimeter of the site as shown by soil boring tests in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, disclosing conditions satisfactory for lateral support of adjacent premises, or in lieu thereof the written consent of the owners of adjoining premises to mining operations closer than specified in this Ordinance to the boundaries of the site.
- (f) a map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

f. Hearing.

- (1) After receiving an application for a special land use permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the



Township Board shall hold a public hearing upon such application, preceded by such notice as required by law.

- (2) Opportunity shall be given to all present to be heard at such hearing.
- (3) Following such hearing the Township Board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the standards specified in this Ordinance and, in addition, on consideration of the following:
  - (a) the most advantageous use of the land, resources and property.
  - (b) the character of the area in question and its peculiar suitability, if any, for particular uses.
  - (c) conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
  - (d) the protection and preservation of the general health, safety and welfare of the Township.
  - (e) the scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
- (4) In making any decision, the Township Board shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time the special land use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special land use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than 30 days to correct the violation.

- (5) The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings as may be established by the Township Board.
  - g. Fencing. Any dangerous excavations, pits, pond areas, banks or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
  - h. Liability Insurance. All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000.00 for each person or property injured or damaged and not less than \$300,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. Such policy shall be filed with the Township Clerk.
  - i. Asphalt Plants. Asphalt plants may be allowed as a permitted business activity within an existing and operating earth removal, quarrying, gravel processing, mining or related mineral extraction business, subject to approval of the Township Board as a special land use, providing that the Township Board may set forth suitable regulations in any given situation so as to regulate and protect the residents in the area from smoke, odor or noise problems.
11. Wireless Communications Support Structure (including equipment compound and wireless communications equipment) [6]
- a. Purpose. The purpose of this portion of the Zoning Ordinance is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience sometimes referred to as "towers" or "communication towers" and "antennas") based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting,

landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

b. Definitions. The following terms used in this portion of the Zoning Ordinance shall be defined as follows:

- (1) "Alternative tower structure" means man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
- (2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
- (3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more wireless telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (4) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
- (5) "Communication Tower" or "Tower" means the same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
- (6) "Equipment Compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- (7) "Height" means, when referring to a wireless communications support structure, the distance measured from the finished grade to the highest point on the structure, including the base pad and any antenna.

- (8) “Wireless Communications Equipment” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables; but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- (9) “Wireless Communications Support Structure” (see definition in Section 2.2).

c. Information Required with Special Land Use Application. In addition to any information required for applications for special land use permits pursuant to Section 13.2 of the Zoning Ordinance, applicants for a special land use permit for a communication tower/antenna shall submit the following information:

- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subpart d(3), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator, Planning Commission or Township Board to be necessary to assess compliance with the standards for approval in this Ordinance.
- (2) Legal description and ownership of the parent parcel (and leased parcel, if applicable).
- (3) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential zoning district.
- (4) An inventory of existing towers, antennas, or sites approved for towers or antennas, that are owned/used by the applicant or any affiliated entity within Kalamazoo County, or within any adjoining township/county within 1 mile of Prairie Ronde Township. This inventory shall include the location, height, and design of each existing tower. The location of all such

existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Prairie Ronde Township or within 1 mile of any boundary thereof, and indicate the owner/operator of such towers if known.

- (5) A landscape plan showing fencing and specific landscape materials.
- (6) Finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with all applicable federal, state and local laws.
- (8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the Township.
- (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (11) A description of the desirable characteristics justifying the suitability of the proposed location.
- (12) Point of view renderings of how the proposed tower will appear from the surrounding area.
- (13) Any additional information requested by the Planning Commission or Township Board relevant to compliance with any provision of this Ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.

All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special land use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that 14 day period, or before expiration of that 14 day period notifies the applicant (in writing, or electronically) that the application is not administrative complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special land use application for this land use not more than 90 days after the application is considered to be administratively complete.

d. Specific Standards for Approval of Special Land Use Permit for Wireless Communication Support Structure. In addition to the generally applicable standards for approval of special land use permit applications pursuant to Section 13.3 of the Zoning Ordinance, the applicant for special land use approval of a wireless communications support structure, also sometimes referred to as a “tower”, shall present evidence demonstrating compliance with the following standards specific to this land use:

- (1) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. The applicant shall demonstrate that no existing tower, other structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna, based on information submitted by the applicant showing any of the following:
  - (a) no existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - (b) existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (c) existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (d) the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the

existing towers or structures would cause interference with the applicant's proposed antenna.

- (e) the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (f) there are other limiting factors that render existing towers and structures unsuitable.
  - (g) an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (2) **Setbacks.** The tower base shall be set back a distance equal to 110% of the height of the tower from any adjoining lot line. Tower support apparatus, including guy lines and accessory buildings, shall satisfy the minimum building/structure setback requirements for the applicable zoning district.
- (3) **Separation.**
- (a) **Separation from off-site uses/designated areas.** The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

Table 1

<b>Off-Site Use/Designated Area</b>	<b>Separation Distance</b>
Single-family, two-family or multiple-family residential uses	200 feet or 300% of height of tower, whichever is greater
Areas in any Residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and non-residential uses	None; only setbacks apply

- (b) Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

Table 2

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000 ft.	5000 ft.	1500 ft.	750 ft.
Guyed	5000 ft.	5000 ft.	1500 ft.	750 ft.
Monopole 75 Ft in Height or Greater	1500 ft.	1500 ft.	1500 ft.	750 ft.
Monopole Less Than 75 Ft in Height	750 ft.	750 ft.	750 ft.	750 ft.

- (4) Maximum Tower Height. The maximum tower height is 250 feet.
- (5) Colocation. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Township Board determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special land use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Township Board pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- (6) Security. The equipment compound shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Township Board,



sufficient to restrict access to authorized personnel only. The tower or other support structure shall be equipped with an appropriate anti-climbing device.

- (7) Landscaping and Site Maintenance. A six foot tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the visual impact of the equipment compound would be minimal. The tower site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
- (8) Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.
- (9) Signs. The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
- (10) Weather Resistance. The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- (11) Non-Interference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
- (12) Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least 1 year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
- (13) Aesthetics. Towers and antennas shall meet the following requirements:

- (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (b) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Notwithstanding the foregoing, the Township Board may also require tower and guy wire devices designed to minimize bird-tower collisions.

- (14) Accessory Structures. The design of the buildings and other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
  - (15) Inspection and Maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.
  - (16) Minimum Lot and Yard Requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.
- e. Installation of Antenna or Other Wireless Communications Equipment on Existing Tower or in Existing Equipment Compound.

The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:

- (1) Where the existing tower has been granted special land use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound, are in complete conformance with the underlying special land use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures.
- (2) Where the existing tower has been granted special land use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with the Zoning Ordinance, no further zoning approvals are required if the Zoning Administrator further determines the proposed wireless communications equipment and where applicable, the proposed associated accessory buildings/structures and/or proposed changes to the existing equipment compound comply with all of the following (as applicable):
  - (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - (b) The existing wireless communications support structure/ existing equipment compound is itself in compliance with the zoning ordinance.
  - (c) The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
  - (d) The wireless communications equipment will not increase the width of the existing support structure by

more than the minimum necessary to permit collocation.

- (e) The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
- (f) The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with (c), (d), (e), or (f), but which otherwise is compliant with sub-part (2), is subject to zoning approval pursuant to approval of an amended site plan by the Planning Commission in accordance with all applicable provisions of this Ordinance, but without further special land use approval.

- (3) Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding sub-parts (1) or (2) of this subsection e, the installation shall be subject to special land use and site plan approvals in a zoning district where Wireless Communications Support Structure is designated as a special land use.

## 12. Family Business

- a. All work in connection with the family business shall be conducted solely within an enclosed building (the dwelling itself, an attached garage, or otherwise permissible garage or other accessory building).
- b. The business shall be located on the same premises as the family's dwelling.
- c. In addition to those family members residing on the premises, no more than four other individuals may work on the premises in connection with the business.
- d. All goods sold from the premises shall either be created on the premises or be incidental to services sold on the premises.
- e. There shall be a minimum distance of 150 feet between any building where the business activity is conducted and any existing dwelling on adjoining property.
- f. Noise, smoke, odor, electrical disturbance, lighting or other objectionable characteristics associated with the business activity

shall not be discernable beyond the boundaries of the premises upon which the business is conducted.

- g. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the building in which the business is conducted, and shall be screened to effectively block all view from adjoining properties and roads.
- h. There shall be no public display on the premises of articles offered for sale; and no exterior evidence indicating the premises are being used for any non-residential purpose, except a name plate sign not exceeding three square foot in area containing only the name and occupation or business activity of the occupant of the premises.
- i. Off-street parking shall be provided on the premises sufficient to accommodate all employees and customers of the business, in addition to the residents of the premises.
- j. The Township Board may limit the family business to a particular type of business, and may impose additional conditions pursuant to this Ordinance and applicable law.
- k. There shall be no expansion of the physical area of the business without the further approval of the Township Board.

13. Mobile Home Park

- a. Mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and all amendments thereto, and with all regulations promulgated thereunder, except as such provisions are modified herein.
- b. Mobile home parks shall be landscaped as follows:
  - (1) A mobile home park abutting an existing residential development shall provide screening along the boundary abutting the residential development.
  - (2) The mobile home park shall provide screening along any boundary abutting a public right-of-way.
  - (3) The landscaping required pursuant to sub-parts (1) and (2) above shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park

development as effectively as the otherwise required landscaping.

- (4) Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with ornamental stone, or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the development shall be graded and equipped to drain all surface water in a safe and efficient manner.
- c. Common sidewalks shall be installed along one side of all internal collector streets within the mobile home park to the public right-of-way and to all service facilities, including central laundry, central parking, and recreation areas. In addition, an individual site sidewalk shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. All common and individual site sidewalks shall meet the standards established in R125.1928 of the Michigan Administrative Code.
  - d. A mobile home park that contains 50 or more home sites shall have not less than 2% of the development's gross acreage dedicated to designated open space, but not less than 25,000 square feet. Required property boundary setbacks may not be used in the calculation of open space area. Recreational or athletic areas shall comply with applicable safety and setback standards specified in R125.1705 and R125.1941 of the Michigan Administrative Code.
  - e. Resident and visitor vehicle parking shall be provided as specified by R125.1925 and R125.1926 of the Michigan Administrative Code.
  - f. If recreational vehicle storage is provided within the mobile home park, it shall include, but not be limited to: class A, B, and C motor homes; 5th wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historical vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter pursuant to subsection b herein, and surfaced in accordance with R125.1922 of the Michigan Administrative Code.
  - g. Livestock are not allowed in this district, whether as an accessory use or otherwise. Customary household pets are allowed; provided such animals shall not run at large or commit any nuisance.

- h. Unique character design: It is the purpose of this Section to allow for a new concept of mobile home development. Under the provisions of this Ordinance, mobile home parks may be so designed to allow for a cluster type of mobile home grouping with said clusters separated from each other by common open space, individual mobile home sites separated from each other by common open space, and the provision of related recreational space such as golf courses, swimming pools, private parks, community centers, and other recreational facilities.

It is also the intent of this Section to allow the developer to use a more creative and imaginative design for mobile home parks to preserve unusual natural features on the site and to utilize excess or generally unusable land to bypass unusual natural obstacles, thereby reducing overall development costs of the project.

Parks designed to provide a cluster type arrangement may reduce the mobile home site size by 15 percent provided the reduced area be equally dedicated as common open space abutting the cluster. Each mobile home park shall contain a recreation area equivalent to 10% of the total land area of the park.

#### 14. Child (Group) Day Care Home

A child (group) day care home, where allowed as a special land use, shall be approved if it meets the following standards:

- a. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
  - (1) Another state licensed group day care home;
  - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended---MCL 400.701 et seq);
  - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
  - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate

population under the jurisdiction of the Michigan Department of Corrections.

- b. It has appropriate fencing enclosing all outdoor play areas, as determined by the Township Board. Such fencing shall be at least 48" high and non-climbable in design.
- c. It maintains the property consistent with the visible characteristics of the neighborhood.
- d. It does not exceed 16 hours of operations during a 24-hour period, operating only between 6:00 a.m. and 10:00 p.m.
- e. It meets all applicable sign regulations set forth in this Ordinance.
- f. It meets all applicable off-street requirements set forth in this Ordinance.

15. Foster Care (Large Group) Facility

- a. The facility shall have frontage on an existing or officially proposed road having a primary or greater classification, or on a Township designated primary road.
- b. The facility shall have off-street parking facilities to satisfy average parking needs.
- c. The facility shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- d. If the facility involves more than 12 residents, it shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility.
- e. If the facility involves more than 12 residents, it shall provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
- f. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
- g. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.



16. Bed and Breakfast Inn

- a. All bed and breakfast facilities shall be subject to and comply with the characteristics of a “home-based business”, as set forth in Section 2.2 of this Ordinance (except the fourth bullet point therein, which is inapplicable to this land use).
- b. A dwelling in which a bed and breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
- c. The maximum stay for patrons of a bed and breakfast shall be seven consecutive days.
- d. Sufficient off-street parking areas shall be available on the premises to provide one parking space per sleeping room for bed and breakfast patrons, plus the spaces required for the permanent occupants of the premises.
- e. All bed and breakfast facilities shall have a smoke detector in proper working order in every sleeping room and at least one fire extinguisher in proper working order on every floor of the dwelling.
- f. All bed and breakfast facilities shall document compliance with all applicable County and State codes and regulations.

17. Private Airfields and Landing Strips

- a. The property on which the airfield or landing strip will be located shall have at least 40 contiguous acres.
- b. The private airfield or landing strip will not adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard.
- c. There will be adequate setback distances from adjoining property lines of not less than 200 feet from the ends of the private air strip to any boundary line of the property.
- d. There will be adequate clearance of any telephone or power lines or other obstructions which may pose a threat to the landing and take off of aircraft.
- e. The air strip may not be constructed closer than 500 feet to any existing dwelling other than the property owners' dwelling or a dwelling located on the subject property.
- f. Under no circumstances shall any commercial use be made of any such private landing strip such as by allowing other persons or

firms to use the landing strip to provide rides or lessons for pay; the landing strip shall be for the sole use of the owners or tenants' private aircraft.

18. On-Farm Biofuel Production Facility (Type II or Type III) [6]

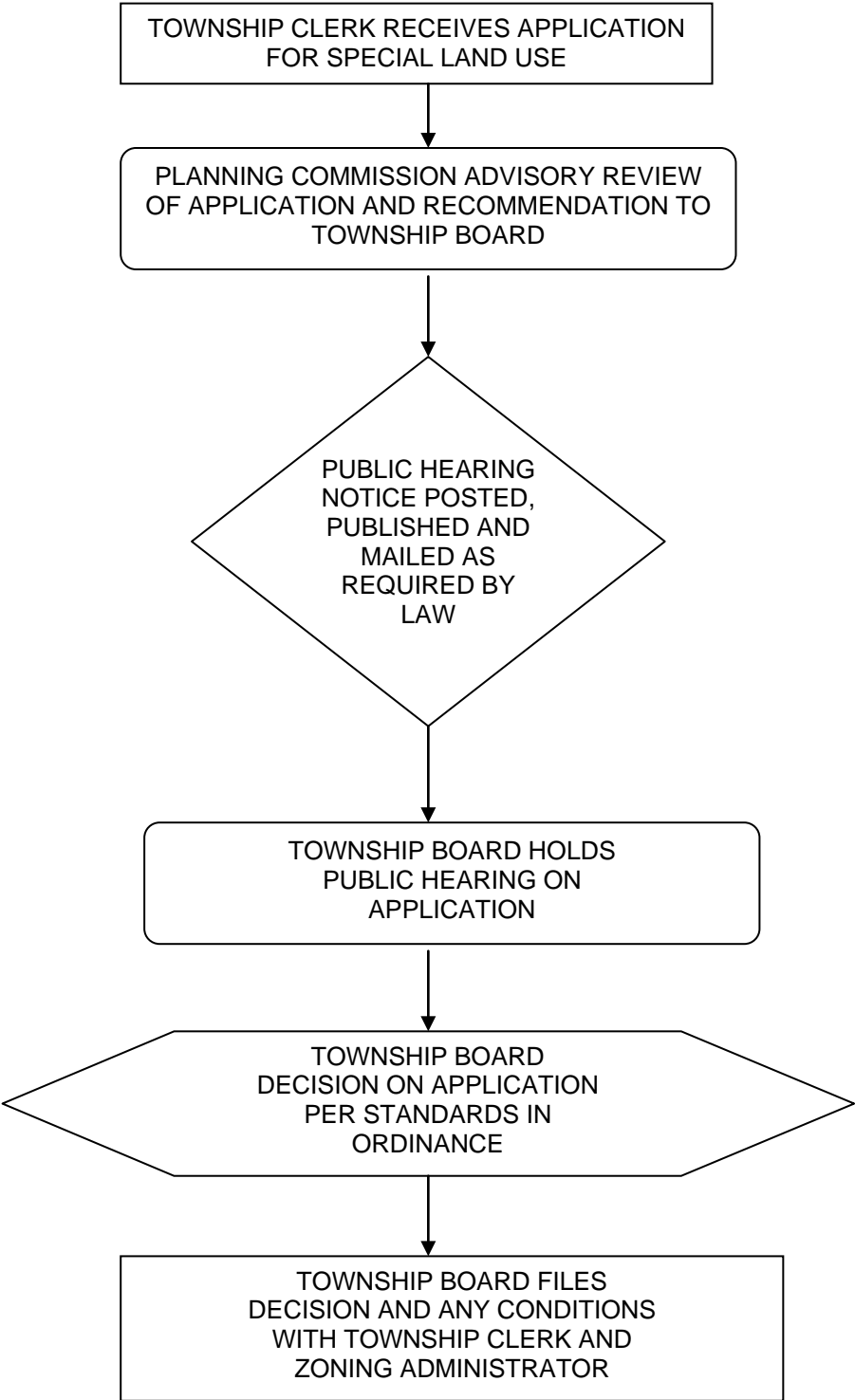
- a. The facility has all of the characteristics for the term “On-Farm Biofuel Production Facility (Type II or Type III)” as defined in Section 2.2 of this Ordinance.
- b. The application for special land use approval included, in addition to the content required by any other provision of this Ordinance, all of the following:
  - (1) A description of the process to be used to produce biofuel.
  - (2) The number of gallons of biofuel anticipated to be produced annually, and the designed annual biofuel production capacity (in gallons) of the facility.
  - (3) An emergency access and fire protection plan that has been reviewed and approved by the Kalamazoo County Sheriff's Department and the South Kalamazoo County Fire Authority.
  - (4) For an ethanol production facility that will produce more than 10,000 proof gallons (as defined in 27 Code of Federal Regulations 19.907) annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau Forms 5000.29 (Environmental Information) and 5000.30 (Supplemental Information on Water Quality Considerations Under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.
  - (5) Information that demonstrates the biofuel production facility will comply with all of the special land use approval standards specified herein.
  - (6) Any additional information requested by the Planning Commission or Township Board relevant to compliance with any provision of this ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.
- c. (required condition on approval) Before the facility begins operation, all buildings, facilities, and equipment used in the

production or storage of biofuel shall comply with all applicable local, state and federal laws.

- d. (required condition on approval) Before the facility begins operation, the owner or operator of the biofuel production facility has provided the Township with proof that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (or a successor agency) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
  - (1) Air pollution emissions.
  - (2) Transportation of biofuel or additional products resulting from biofuel production.
  - (3) Use or reuse of additional products resulting from biofuel production.
  - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- e. (required condition on approval) Before the facility begins operation, the biofuel production facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Note: the Township Board is required to hold a hearing on an application for special land use approval of an On-Farm Biofuel Production Facility (Type II or Type III) not more than 60 days after a (complete) application is filed. *MCL 125.3513(4)*.

**FLOW DIAGRAM FOR SPECIAL LAND USE APPLICATIONS**



## **CHAPTER 14**

### **SITE PLAN REVIEW**

14.1 **PURPOSE:** The intent of this Article is to provide for consultation and cooperation between the land developer and the Township in order that the developer may accomplish its objectives in the utilization of the land in accordance with the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

14.2 **USES SUBJECT TO SITE PLAN REVIEW:** The following uses shall not be conducted upon any land or in any building/structure, nor shall a zoning compliance permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Township Board in accordance with the provisions of this Ordinance pertaining to site plans:

- A. Special land uses.
- B. Open space preservation developments/site condominium developments.
- C. Multiple-family dwellings.
- D. Office and commercial buildings and developments.
- E. Industrial buildings or developments.

14.3 **OPTIONAL SKETCH PLAN REVIEW:** Preliminary sketches of site and development plans may be submitted to the Township Board. The purpose of the sketch stage is to allow discussion between the developer and the Township as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:

- A. The name and address of the applicant; and the name and address of the owner of the property, if different from the applicant. If a corporation, the name and address of the officers thereof. If a partnership, the name and address of each partner.
- B. Legal description of the property.
- C. Drawings showing tentative plans.

14.4 **FORMAL SITE PLAN APPLICATION CONTENT:** All formal site plan review applications shall include, in addition to A. and B. above, the following:

- A. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).

- B. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for property of three acres or more].
- C. All lot and/or property lines shown and dimensioned, including building setback lines.
- D. The location, type and height of all existing and proposed structures on and within one hundred feet of the subject property.
- E. The location and right-of-way/pavement width of all public or private streets, alleys, or easements, contiguous and within the subject property which are proposed to be continued, created, relocated, or abandoned.
- F. The location and dimensions of all existing and proposed acceleration and deceleration lanes, sidewalks, curb openings, parking spaces, drives and aisles, and loading and unloading areas.
- G. The location and dimensions of all existing and proposed signage, outdoor display and storage areas, and recreation areas.
- H. The location and type of all existing and proposed exterior lighting, including method of assuring compliance with Section 3.10 of this Ordinance.
- I. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- J. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
- K. The location of all fire hydrants.
- L. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.
- M. The size, type and location of all existing and proposed floor drains.
- N. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater, including the point of discharge for all associated drains and pipes.
- O. The location of all areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.

- P. The percentage of the property covered by buildings, and the portion reserved for open space.
- Q. A property survey by registered surveyor.
- R. The existing and proposed contour of the property, and its relationship to adjoining lands [two foot intervals, minimum].
- S. The location of all lakes, rivers, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
- T. The front, side and rear elevations for all buildings on the property. Also, with respect to site plans involving multiple family dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Township where deemed necessary to properly evaluate compliance with the criteria for site plan approval).
- U. A description of the proposed use and development in sufficient detail to indicate the effects in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
- V. A statement of the environmental impact of the use and development, to the extent not addressed by the description as required above.
- W. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- X. (where applicable) Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by products.
- Y. (for mobile home parks only) The lot size, setbacks, trailer pads, patios, and complete park layout for mobile home parks.
- Z. Any other information reasonably deemed necessary by the Township Board.

The Township Board may waive or modify any of the above enumerated site plan content requirements if it determines that a requirement does not apply to the circumstances, or is unnecessary to evaluate the use for which approval is sought pursuant to the site plan approval criteria specified in Section 14.6 of this Ordinance.

14.5 FORMAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES:

- A. The applicant shall submit the site plan and all related information to the Zoning Administrator (or other designee of the Township Board) at least 14 days before the Township Board meeting at which the applicant would like to have the site plan reviewed.
- B. The Zoning Administrator (or other designee of the Township Board) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall also identify all concerns relating to the ordinance criteria for approval of the site plan.
- C. A site plan which is determined by the Zoning Administrator (or other designee of the Township Board) to be administratively incomplete shall not be distributed or placed on the agenda of a meeting, without the permission of the Supervisor.
- D. When the Zoning Administrator (or other designee of the Township Board) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with a sufficient number of copies of the administratively complete site plan and all related information to enable the Zoning Administrator to distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Township Board and to the Building Official no later than 7 days prior to the Township Board meeting at which the applicant would like to have the site plan reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township Clerk to be available for public examination.

14.6 SITE PLAN REVIEW AND APPROVAL:

- A. Prior to reviewing or acting on a site plan the Township Board may request comments and recommendations on the site plan from the Planning Commission, Township Planner, Township Engineer, Township Fire Chief/Fire Marshall, Building Official, Township Attorney, and such other officials as the Board may determine to be advisable or necessary with respect to a particular site plan.
- B. The Township Board shall review and approve a site plan or approve a site plan subject to certain modifications and/or conditions upon a finding that all the following criteria are met:
  - 1. The proposed use will not have a harmful effect on the surrounding neighborhood or its development, and any adverse effect upon surrounding property is minimized by appropriate screening in the form of fencing, walls and/or landscaping.



2. There is a proper relationship between the existing streets and proposed service drives, acceleration and deceleration lanes, and driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
  3. The adverse effects resulting from the locations of buildings and accessory structures are minimized to the occupants of adjacent properties.
  4. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the inhabitants of the Township.
  5. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained as practicable, where they afford a barrier or buffer between adjoining properties being put to different use or where they assist in preserving the general appearance of the area, and any grade changes are in keeping with the general appearance of neighboring developed areas and not detrimental to erosion control.
  6. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
  7. The proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules and regulations.
  8. The development plan is consistent with the purpose of zoning regulation in Prairie Ronde Township, as set forth in Section 1.2 of this Ordinance.
  9. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as specifically permitted by a state or federal governmental agency.
  10. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.
- C. The Township Board shall not approve a site plan if any part of the site plan or the intended use or development of the subject property does not comply with all applicable provisions of this Ordinance.

D. Approval Conditions: The Township Board may impose reasonable conditions on the approval of a site plan pursuant to the authority of the Township Board to impose conditions on the approval of a special land use as prescribed in Section 13.4 of this Ordinance.

E. Performance Guarantee:

1. To insure compliance with the zoning ordinance and any conditions imposed at the time of site plan approval, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township Board, covering one hundred percent (100%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Township Clerk upon site plan approval to insure faithful completion of the improvements.
2. The Township Board shall by resolution request the Township Clerk rebate the deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Township Board based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
3. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Township Board shall by resolution take appropriate legal steps to insure completion using so much of the deposit as is necessary for such purpose.
4. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Township Board to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.

14.7 MODIFICATIONS: Site plan approval may be granted contingent upon the modification of the site plan by the applicant to the satisfaction of the Township Board. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices.

14.8 CONFORMITY TO APPROVED SITE PLAN: Property which is the subject of site plan approval must be developed in strict conformity with the approved site plan for that property, including any site plan modifications approved by the

Township Board and variances granted by the Zoning Board of Appeals in accordance with this Ordinance.

- 14.9 REVOCATION: Any site plan approval may be revoked when the development is not in conformance with the approved site plan, in which case the Township Board shall give the applicant notice of intention to revoke such approval at least ten days prior to review by the Township Board. After conclusion of such review, the Township Board may revoke its approval of the site plan if the Township Board determines that a violation in fact exists and has not been remedied prior to such hearing.
- 14.10 TERM OF APPROVAL: The site plan approval shall be valid for a period of one year. One six month time extension may be granted by the Township Board upon a showing of good cause. At the end of the approval period, including any extension granted by the Township Board, if no building permit has been obtained and on site development actually begun, the site plan approval becomes void and no construction or earth change requiring site plan approval shall be commenced until a new site plan application has been submitted and approved.

## **CHAPTER 15**

### **PARKING AND LOADING SPACES**

- 15.1 **GENERAL OFF-STREET PARKING REQUIREMENT:** In all zoning districts, every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Chapter. No parking area or space, or loading/unloading facilities which exist at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- 15.2 **PARKING SPACE SIZE AND ACCESS:** Each off-street parking space required by this Chapter shall be at least ten feet in width and 200 square feet in area, exclusive of access drives or aisles. Handicapped parking spaces shall be provided in accordance with state law. There shall be adequate provision for ingress and egress to all parking spaces.
- 15.3 **BUILDING ADDITIONS:** Whenever an addition is made to an existing building, or the use is expanded in such a manner as to implicate additional required parking, the parking area shall be increased sufficiently to comply with the requirements of this Chapter.
- 15.4 **MIXED OCCUPANCIES AND JOINT USE:** The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Chapter. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use; provided, that requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in this Chapter.
- 15.5 **PROHIBITED DESIGN:** All off-street parking areas that make it necessary for any vehicle to back out directly into a public street are prohibited.
- 15.6 **PARKING SPACES FOR USES NOT SPECIFIED:** In the case of a use not specifically mentioned in this Chapter in the Table of Off-Street Parking Requirements, the applicable requirement for the number of off-street parking spaces shall be as required for an analogous specified use or a specified use with similar parking demands.
- 15.7 **FRACTIONAL SPACES:** When the calculation of the required number of parking spaces pursuant to this Chapter results in a fractional space, any fraction up to

and including one half shall be disregarded, and fractions over one half shall require one parking space.

15.8 **TABLE OF OFF-STREET PARKING REQUIREMENTS:** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table, and shall be irrevocably reserved for such use and shall comply with the requirements of this Chapter.

Note: Notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times an adequate number of off-street parking spaces and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and patrons of the property. Thus, depending upon individual circumstances a greater number of parking spaces may be required in order to comply with this overriding requirement.

A. Residential

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	Residential, one family and two family	Two for each dwelling unit
2.	Residential, multiple family	Two for each dwelling unit
3.	Mobile home park	Two for each trailer or mobile home site and one for each employee
4.	Child day care home, group or family; foster care facility	One for each employee not residing in the facility

**B. Institutional and Recreational**

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	Place of worship	One for each three seats based on maximum seating capacity in the main unit of worship
2.	Care Home	One for each 600 square feet of gross floor area
3.	Elementary and Junior High School	One for each employee, in addition to the requirements of the auditorium
4.	Senior High School	One for each employee and one for each ten students, in addition to the requirements of the auditorium
5.	Private club or lodge hall	One for each three persons allowed within the maximum occupancy
6.	Golf course, except for miniature or 3 par courses	Six for each golf hole and one for each employee
7.	Auditorium, gymnasium, indoor theater, stadium, sports arena, or similar place of assembly	One for each three seats or six feet of bench space

**C. Business and Commercial**

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	Gasoline service station	Two for each lubrication stall, rack or pit; and one for each employee
2.	Beauty parlor or barber shop	Three spaces for each of the first two chairs and one space for each additional chair
3.	Drive-in establishment	One for each 40 square feet of gross floor area, with a minimum of twenty-five spaces
4.	Establishment for sale and consumption, on the premises, of beverages, food or refreshments	One for each 75 square feet of gross floor area, or one for each three persons of maximum capacity, which ever is greater
5.	Furniture and appliance household equipment, repair shop, showroom for plumber, decorator, electrician or similar trade, show repair and other similar uses	One for each 200 square feet of gross floor area
6.	Laundromat and coin operated dry cleaner	One for each two washing machines
7.	Funeral home	One for each 100 square feet of gross floor area
8.	Motor vehicle sales and service establishment, trailer and boat sales and rental showrooms	One for each 100 square feet of gross floor area
9.	Retail store, except otherwise specified herein	One for each 200 square feet of gross floor area

**D. Offices**

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	Bank, savings and loan	One for each 100 square feet of gross floor area
2.	Business or professional office	One for each 400 square feet of gross floor area

E. Industrial

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	Industrial or research establishment	One for every one and one-half employees in the largest working shift
2.	Wholesale or warehouse establishment	One for every one and one-half employees in the largest working shift, or one for every 2000 square feet of gross floor area, whichever is greater

15.9 PARKING VARIATION: Where it can be demonstrated that the parking requirements of this Chapter would provide an excessive amount of parking area for the needs of a particular use, a site plan with lesser parking area may be approved, provided all the following conditions are present:

- A. The use does not provide on-site services to the general public.
- B. The maximum number of employees and visitors during any one eight hour period can be demonstrated to be less than the parking space requirements provided for by this Ordinance.
- C. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made part of the site plan.
- D. An open landscaped area meeting the required area of this Chapter is shown reserved for future parking.
- E. Site plan approval of lesser requirements shall be valid only for the stated use. A new use shall not be approved unless a new site plan is reviewed and parking arrangements are found to be in accordance with the requirements of this Ordinance.

15.10 ADDITIONAL REQUIREMENTS FOR RESIDENTIAL USES IN ALL DISTRICTS:

All residential (dwelling) land uses shall comply with the following parking requirements in all zoning districts, in addition to the applicable preceding sections of this Chapter:

- A. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed 3/4 ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school property, is prohibited in a residential zone.
- B. There shall be no outdoor storage of vehicles such as trailers, campers or boats in any residential zone.



15.11 ADDITIONAL REQUIREMENTS FOR NON-RESIDENTIAL USES IN ALL DISTRICTS: All commercial, industrial, and other non-residential (dwelling) land uses shall comply with the following parking requirements in all zoning districts, in addition to all applicable preceding sections of this Chapter:

- A. All off-street parking facilities required pursuant to this Chapter shall be located on the same parcel as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
- B. All off-street parking spaces shall be at least 10 feet from any property line or street.
- C. All off-street parking facilities shall be drained so as to prevent run-off on adjacent properties or public streets.
- D. Off-street parking areas adjoining premises in the any Residential District shall be set back at least 30 feet from all property in that District, and shall be effectively screened by either a dense evergreen planting, fence, or retaining wall not less than four feet or more than eight feet in height, as determined, with respect to type and height of screening, in the site plan review process.
- E. Lighting of off-street parking areas shall be designed and arranged so as to reflect the light away from all adjacent residentially used lots, regardless of the zoning district in which such lots are situated.
- F. Service or access drives shall be located at least 70 feet from a lot line abutting a residentially used lot, regardless of zoning classification, and at least 10 feet from all other lot lines.
- G. All off-street parking areas shall be maintained in a usable dust-free condition.
- H. All off-street parking areas providing space for more than four vehicles shall have the individual parking spaces marked on the surface of the parking area.
- I. Sufficient on-premises loading/unloading space shall be provided in such a manner as to avoid undue interference with public use of the streets or any access aisles for off-street parking areas. For any commercial or industrial use requiring more than four off-street parking spaces pursuant to this Chapter, the loading/unloading areas shall be conducted in side or rear areas of the building, and shall not in any manner utilize the required off-street parking spaces.

## CHAPTER 16

### SIGNS AND OUTDOOR ADVERTISING STRUCTURES

16.1 SIGNS AND OUTDOOR ADVERTISING STRUCTURES: Signage is allowed according to the provisions of this section pertinent to the particular zoning district, in accordance with section 16.2 governing signs allowed in all zoning districts, and further in accordance with section 16.3 regulating certain aspects of signage in all zoning districts. A sign not expressly allowed in a specific zoning district or generally allowed in all zoning districts pursuant to this Chapter is prohibited.

A. A-Agriculture District. In the A-Agriculture district the following signs are permissible, as regulated herein:

1. One incidental sign advertising the sale of farm products grown on the premises; provided such sign shall not exceed 48 square feet in area, shall be located at least 25 feet from the road right-of-way and otherwise in such a manner that it will not interfere with the full view of traffic, and shall not be illuminated in any manner at any time.
2. One sign identifying a permissible commercial or institutional use, subject to the same size, location, and illumination requirements as specified in preceding subsection A.1.

B. Residential and Open Space Districts. In any Residential district and in the Open Space district the following signs are permissible as regulated herein:

1. One incidental sign not exceeding three square feet in area to advertise only lawful family business uses or professional services. Such sign may be attached to the building, or may be located on the property of such use, but may be no closer to the street than the building set back line.
2. One sign identifying a permissible commercial or institutional use, subject to the same size, location, and illumination requirements as specified in preceding subsection A.1.

C. Commercial and Industrial Districts: In any Commercial or Industrial district the following signs are permissible to advertise an otherwise permissible business occupying the same premises on which the sign is located, and as regulated herein:

1. One identification sign may be erected for each separate commercial enterprise situated on an individual lot and operated under separate ownership from any adjoining commercial

enterprise. Such sign shall not exceed 80 square feet in area, nor be closer to the front, side or rear property line than one half the distance of the required building setback.

2. Advertising signs may be affixed flat against the wall of the building, or may project therefrom not more than 42 inches. Signs projecting over public property shall be at least 11 feet above the finished grade or sidewalk, The total sign area shall not exceed two square feet for each foot in length or height of the wall to which it is affixed. No such sign shall extend more than four feet in height above the building wall to which it is affixed.
3. One identification sign may be erected for an integrated group of stores or commercial buildings. The area of said sign shall be based on one square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed 400 square feet in area, nor be closer to the front, side or rear property line than one half the distance of the required building setback.

D. I-Industrial District: In the I-Industrial district outdoor advertising signs (billboards) are permissible as regulated herein:

1. Except as otherwise provided herein, outdoor advertising structures are required to have the same minimum setback as other principal structures or buildings in the zone in which they are erected.
2. Where two or more outdoor advertising structures are located along the frontage of a single street or highway, they shall not be less than 500 feet apart. A double face, (back-to-back) or a V-type structure shall be considered as a single structure.
3. The total surface area facing in the same direction of any outdoor advertising structure shall not exceed 500 square feet.

16.2 SIGNS ALLOWED IN ALL ZONING DISTRICTS: The following types of signs shall be allowed in all zoning districts, subject to the lighting, maintenance and locational regulations in Section 16.3 of this Ordinance, and any other applicable laws:

- A. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- B. Legal notices posted by any governmental body.
- C. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not

limited to, the State of Michigan, Kalamazoo County, or Prairie Ronde Township.

- D. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
- E. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.
- F. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
- G. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
- H. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
- I. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
- J. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
- K. Temporary election/campaign signs.
- L. One real estate sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 300 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
- M. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
- N. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only

when authorized by the Township Board, based upon the following standards:

1. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
  2. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangements shall be made for the prompt removal of the sign or display after the conclusion of the matter being promoted.
  3. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
  4. The sign or display shall not constitute a traffic hazard.
  5. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
- O. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.

16.3 GENERAL PROVISIONS AND REQUIREMENTS: The following provisions and requirements shall be applicable to all types of signs in all zoning districts, unless specifically stated to the contrary in this Chapter:

- A. No sign shall be erected at any location where, by reason of position, size, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or so as to interfere with, mislead or confuse vehicular or pedestrian traffic.
- B. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.
- C. Subject to the preceding restriction, signs may be illuminated unless prohibited by another section of this Chapter applicable to a particular type of sign. Where illumination is allowed such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be down-facing and otherwise designed and located so as to avoid glare or reflection on to any portion of an adjacent street, the path of on-coming vehicles, or any adjacent premises.
- D. All signs shall be designed and constructed in such a manner as to withstand all wind and other weather conditions normally expected to occur in the area. All signs shall be properly maintained and repaired so as to assure proper alignment of structure, continued structural

soundness, and continued readability of message, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements.

- E. Temporary signs shall be removed from view of public roadways and adjoining properties within five days after the event or matter to which they pertained has been concluded.
- F. All lawful nonconforming signs and sign structures shall be subject to the regulations governing nonconforming uses and nonconforming structures in Chapter 19 of this Ordinance.
- G. All signs shall be subject to the zoning compliance permit requirements of Section 3.2 of this Ordinance before erection or installation; except signs allowed pursuant to Section 16.2 of this Ordinance, and signs otherwise subject to prior approval through the site plan review process of Chapter 14 of this Ordinance.

## CHAPTER 17

### ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES

17.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: The following regulations are applicable to accessory buildings/structures and accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district.

- A. Except as may be specified to the contrary elsewhere in this Ordinance, in all zoning districts there is no specific limitation on the number of accessory buildings/structures per zoning lot.
- B. Accessory buildings/structures shall be located only in the rear yard or side yard, except in the following circumstances:
  - 1. Accessory farm structures may also be located in the front yard with a setback from the front lot line (street right-of-way) of at least the minimum applicable front yard setback required for a principal building/structure.
  - 2. Other accessory buildings/structures may be located in the front yard with a setback of at least 200' from the front lot line (street right-of-way). **[5]**
- B. All accessory buildings and structures, including private garages, whether attached or detached, are subject to the lot, yard and area requirements specified in Chapter 12 of this Ordinance.
- C. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
- D. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot under single ownership, which shall include a lot separated from the main lot by a street.
- E. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the principal use with which it is commonly associated, and shall be aesthetically compatible with the associated principal use.
- F. An accessory building shall not include provisions for or be used for the lodging or sleeping of human beings.
- G. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:

1. For a single unit dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
  2. For any principal use other than a single unit dwelling, 10% of the gross floor area.
- H. Accessory buildings/structures may be used only for purposes accessory to uses allowed in the zoning district in which it is located.
- I. Where a building/structure is initially constructed as the principal structure, but is subsequently to be rendered an accessory building/structure due to other construction (such as a dwelling), all such construction shall be proceeded with so as to fully comply with all applicable requirements in this Article. (The intent of this provision is to require "accessory" type buildings to be sited so as to permit sufficient space for development of a future principal structure in compliance with all applicable regulations of this Ordinance).



## CHAPTER 18

### SUPPLEMENTARY REGULATIONS

- 18.1 SCREENING: Every commercial or industrial use occupying land immediately adjacent to a residential district or a conforming residential use shall have a screening area separating the commercial or industrial use from the adjoining residential district or use. The screen shall be in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be not less than three feet in height.
- 18.2 SETBACK FROM LAKES, PONDS, STREAMS, RIVERS: Any building constructed on a waterfront lot shall be set back at least 50 feet from and a minimum of three feet elevation above, the high-water line, except;
- A. Those buildings in existence at the time of passage of this ordinance.
  - B. Where the majority of the property abutting the water line within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the setback of any building hereafter erected on the lot shall not be required to be greater than, nor shall it be less than, the average setback of the improved properties.
  - C. One story boat houses used exclusively for boating and bathing facilities may be constructed at the high-water shore line, but not over the water.
  - D. Docks and temporary boat shelters which are dismantled during the winter months may be constructed out into the lake not more than 50 feet from the high-water shore line, or such minimum additional length necessary to reach navigable water.

In the event of a controversy concerning the location of the high-water line for the purposes herein set forth, the determination of the Zoning Administrator shall be conclusive, subject to an appeal of the determination to the Zoning Board of Appeals.

- 18.3 KEEPING OF ANIMALS: The keeping of animals in the various zoning districts is regulated by the applicable provisions of this Section, and except as specifically allowed herein animals shall not be possessed, kept or raised on any premises in Prairie Ronde Township for any purpose.
- A. Exotic Animals: Exotic animals are not allowed upon any premises in any zoning district, except in the following situations:
    - 1. Public zoo or educational exhibition sponsored by a governmental entity (special land use in A, R-1, R-2, C, I).

- B. Wild Animals: Wild animals are not allowed to be kept or raised upon any premises in any zoning district, except in the following situations:
1. Public zoo or educational exhibition sponsored by a governmental entity (special land use in A, R-1, R-2, C, I).
  2. Game Preserve (special land use in A, OS).
  3. Animal Hospital (special land use in I).
  4. Pursuant to a possession permit issued by the Michigan Department of Natural Resources authorizing temporary non-commercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.
- C. Domestic Animals: Domestic animals are not allowed to be kept or raised upon any premises in any zoning district, except in the following situations:
1. Dogs: 1-5 dogs are allowed as an accessory use incidental to a dwelling on the premises in the A-Agriculture District. 1-3 dogs are allowed for the same purpose in Residential districts. In all such zoning districts 1 litter, at a time, of puppies under 6 months of age shall not be counted.
  2. Other Domestic Animals: Domestic animals other than dogs are allowed as an accessory use incidental to a dwelling on the premises in customary circumstances in all pertinent zoning districts.
  3. Animal Hospital (special land use in I).
  4. Dog Kennel (special land use in I).
  5. Pet Shop retail use (special land use in C).
- D. Farm Animals: The keeping or raising of farm animals is subject to the following provisions:
1. Large farm animals are allowed as a permitted use in the A-Agriculture District for commercial farming or non-commercial activities, subject to the following requirements:
    - a. For 1-2 horses or other large farm animals the property must have a total area of at least 3 acres, and must actually have at least 2.0 acres of the property available for pasture purposes.  
  
For each additional horse or other large farm animal after the first 2 large farm animals the property must

have at least 1 additional acre of total area (in addition to the initial 3 acres).

For purposes of this subsection “pasture” means land characterized by a predominance of vegetation consisting of forage desirable for the nutritional support of horses or other large farm animals. Feedlots and any other confinement areas which have livestock densities that preclude a predominance of desirable forage species shall not be considered “pasture” land.

- b. Stables, barns, or other structures shall be provided that are sufficient for the housing or shelter of all horses or other large farm animals kept on the subject property; and all such stables, barns and other structures shall be located at least 75 feet from each side lot line, and at least 75 feet from the rear lot line.
  - c. Areas used for the storage of manure shall be located at least 75 feet from any public street right-of-way, and at least 75 feet from each side lot line, and at least 75 feet from the rear lot line.
  - d. Manure, odors, dust, insects, noise and drainage shall be properly managed so as to not create a nuisance, hazard, or unreasonable annoyance to the owners/residents of any adjoining property or to the general public.
2. Small farm animals are allowed as a permitted use in the A-Agriculture District for commercial farming or non-commercial activities, only on property with a total area of at least two acres, and on lawful nonconforming lots with less than two acres, and subject to conformance with the setback distance and husbandry requirements specified in Section 18.3 D., subsection 1.b.-d., which are incorporated by reference and applied to the keeping or raising of all small farm animals.
  3. The requirements relating to the keeping or raising of large farm animals and small farm animals in subsections D.1. and 2. are not intended to apply where in direct conflict with Generally Accepted Agricultural and Management Practices adopted by the Michigan Commission of Agriculture under the authority of the Michigan Right to Farm Act.
  4. Farm animals are not allowed in any Residential zoning district.

5. Farm animals are not allowed in the Commercial, Industrial and Open Space Districts, except in conjunction with an Animal Hospital (special land use in I), pet show retail use (special land use in C), riding stable (permitted use in A), and slaughter house (special land use in I). **[3]**

18.4 PRIVATE ROAD STANDARDS: In the event that any property owner desires to construct a principal building upon any platted or unplatted land which will have sole access by means of a private road or a portion of a private road, which is presently being used or will be used as the sole access to two or more separately owned principal buildings, such private road shall meet the following requirements before allowing construction of the third principal building:

- A. The road right-of-way shall have a minimum width of 66 feet, which shall be uniform throughout its length, and the centerline of the road shall be the centerline of the right-of-way.
- B. Road drainage shall be designed to avoid accumulation of water along the road surface and shall not drain or accumulate within the right-of-way of the public road unless approved by the Kalamazoo County Road Commission.
- C. The grade and construction standards for the private road shall meet the standards for local gravel roads as established by the Kalamazoo County Road Commission. At a minimum, this shall include compliance with MDOT specifications 22A. This shall include turning radius and sight characteristics as required at the intersection with the public road and for driveways off the private road.
- D. The private road right-of-way shall be subject to a recorded easement or agreement which establishes a legal description of the road right-of-way and the lots to be served, access for public utilities and shared use, as well as a joint maintenance agreement that runs with the land and binds the impacted parcels. Such easement or agreement shall be filed with the Township, which shall not issue a building permit for any impacted parcels until all of the necessary approvals and/or permits have been obtained.
- E. The private road shall be subject to characteristics of traditional public roads, including such requirements as identification by name and a stop sign which meets uniform traffic control standards.
- F. The approval process for the establishment of a private road shall include some flexibility related to unique circumstances or accessibility issues.

18.5 RIPARIAN ACCESS PARCEL REGULATIONS:

- A. Land contiguous to a lake or other body of water shall not be used to provide private or common (semi-private) access to such body of water to more than one other lot/parcel and/or the owners/occupants of such property, except in accordance with these regulations.
  
- B. In the R-1, R-2, and R-3 zoning districts, only, land contiguous to a lake or other body of water (herein referred to as riparian access parcel) may be used for the purpose of providing riparian access to the body of water to the owners and/or occupants of 2 or more lots/parcels and/or dwelling units (herein referred to as privileged lots/units), subject to the following conditions and requirements:
  - 1. The privileged lots/units shall not be located more than one-eighth mile from the riparian access parcel.
  - 2. The riparian access parcel shall have a depth of at least 150' for the entire required lineal frontage of the riparian access parcel.
  - 3. The riparian access parcel shall have at least 100 lineal feet of frontage on the body of water, plus an additional 20 lineal feet of frontage for each privileged lot/unit in excess of the first 2 privileged lots/units.
  - 4. Land shown as a swamp, marsh, bog or other wetland on the most recent United States Geological Survey maps or designated as such by the State shall not be used to comply with the riparian access parcel depth or lineal frontage requirements. Man-made channels, peninsulas, and other man-made features shall also not be used to comply with the riparian access parcel depth or lineal frontage requirements.
  - 5. A riparian access parcel shall consist of only undeveloped land, and buildings or other man-made structures shall not be constructed thereon or project therefrom, except for the following:
    - a. one dock with a length not exceeding 50' or such minimum additional length necessary to reach navigable water.
    - b. such fencing as may otherwise be allowed pursuant to this Ordinance and any other applicable Township ordinances.
  - 6. Boats shall not be launched from or stored upon a riparian access parcel, except such boats as are owned by the owners and/or occupants of the privileged lots/units, and further subject to the following restrictions:

- a. mooring or docking of boats by owners and/or occupants of privileged lots/units shall be temporary in nature, and limited to day use only, with no overnight mooring or docking.
  - b. storage and/or parking of boat trailers by owners and/or occupants of privileged lots/units shall not exceed 24 hours in duration on any single occasion.
7. Title to a riparian access parcel shall be retained by the owner of the subject property at the time riparian access to privileged lots/units is established; or, in the alternative, title to such riparian access parcel may be conveyed to a single grantee consisting of an individual person, a husband and wife jointly, a partnership, a corporation, or an association.
  8. The titleholder of the riparian access parcel shall be responsible for maintenance of the riparian access parcel, and shall also be responsible for compliance with this section of this Ordinance and all other applicable ordinance provisions.

18.6 OPEN SPACE PRESERVATION DEVELOPMENT:

- A. In order to comply with Section 506 of the Michigan Zoning Enabling Act (2006 Public Act 110), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements in Chapter 12 of this Ordinance (Schedule of Lot, Yard and Area Requirements), land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:
  1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
  2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
  3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.

4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
- B. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
1. The provisions of this Ordinance that are not in conflict with and preempted by Section 506 of the Michigan Zoning Enabling Act (MCL 123.3506).
  2. The Land Division Act (MCL 560.101 et seq).
  3. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
  4. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
  5. Rules for on-site sewage disposal for land not served by public sewers.
- C. As used in this section the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course; but may include a recreational trail, picnic area, children's play area, greenway, or linear park.
- D. A residential development proposed pursuant to this section shall be submitted for site plan review and a determination as to whether the development complies with the open space preservation/clustering provisions of 2006 PA 110, and all other applicable laws and ordinances.

## CHAPTER 19

### NONCONFORMING USES, BUILDINGS/STRUCTURES, AND LOTS

- 19.1 SCOPE OF REGULATIONS: This Chapter governs lawfully established nonconforming uses, buildings, structures, and lots. Nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 19.2 CONTINUATION OF NONCONFORMING USES AND BUILDINGS/STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Chapter, a lawful use, building/structure or lot which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued even though such use, building/structure or lot does not conform with the provisions of this ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 19.3 REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING USE OR BUILDING/STRUCTURE: Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition, or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction, the building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this Ordinance. Where such damage or destruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction, the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months from the time of the damage or destruction.
- Special Rule for Nonconforming Single-Family Dwelling Uses: Notwithstanding the preceding paragraph, nonconforming single-family dwelling uses in the C-Commercial District and I-Industrial District are hereby established as a separate class of nonconforming uses, which may be repaired or otherwise restored or reconstructed upon being damaged or destroyed by fire, flood, wind, or other calamity, regardless of the extent of such damage or destruction. [2]
- 19.4 EXPANSION OF NONCONFORMING USE OR BUILDING/STRUCTURE: A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:



- A. Such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this Ordinance and does not aggravate the existing nonconforming condition; or,
  - B. Such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Chapter 21 of this Ordinance and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 19.5 CHANGE OF NONCONFORMING USE: A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Chapter 21 of this Ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and will be more compatible with adjacent uses than the prior nonconforming use.
- 19.6 DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USES AND BUILDINGS/STRUCTURES:
- A. Reestablishment. A nonconforming use shall not be reestablished after it has been changed to a conforming use or a more restrictive use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.
  - B. Discontinuation. A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.
- 19.7 NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT: The provisions of this Chapter shall also apply to uses, buildings/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this Ordinance.
- 19.8 EXISTING NONCONFORMING LOTS: Any lot of record created prior to the effective date of this Ordinance that fails to comply with the minimum requirements of its zoning district may be developed for a lawful conforming use if the lot conforms in all respects to the requirements of the Zoning Ordinance in effect as of the date of such recording, and complies with all other current requirements of this Ordinance. A nonconforming lot shall otherwise be buildable only pursuant to a variance approved by the Zoning Board of Appeals.

**CHAPTER 20**

**(RESERVED FOR EXPANSION)**

## CHAPTER 21

### ZONING BOARD OF APPEALS

- 21.1 **CREATION:** There is hereby created a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws, and by the provisions of this Ordinance.
- 21.2 **MEMBERSHIP:** The ZBA shall be appointed by the Township Board as prescribed by statute, and shall consist of five members, or such other membership of not less than three and not more than five members as may be determined by Township Board resolution. One member shall be a member of the Township Planning Commission. A member of the Township Board shall not serve as Chair of the ZBA. An employee or contractor of the Township Board shall not serve as a member of the ZBA.

The Township Board may also appoint not more than two alternate members of the ZBA for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such situations the alternate member shall serve until a final decision has been made. An alternate member of the ZBA shall have the same voting rights, when called to serve, as a regular member.

- 21.3 **TERM:** The term of each member shall be three years and until a successor has been appointed and qualified; such successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.
- 21.4 **JURISDICTION AND DUTIES:** The ZBA shall perform all the duties and have all the jurisdiction and powers prescribed by applicable laws, and by the provisions of this Ordinance, including the following:
- A. Acting upon all questions as they may arise in the administration and enforcement of the Zoning Ordinance, including interpretation of the ordinance and the Zoning Map.
  - B. Hearing and deciding appeals from and reviewing any order, requirement, decision, or determination made by the Zoning Administrator. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be done,

and to that end shall have all the powers of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit.

- C. Hearing and deciding, subject to Section 21.8, requests for a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance, or to any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

21.5 EMPLOYEES: The ZBA may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose by the Township Board.

21.6 MEETINGS/RULES OF PROCEDURE: Meetings of the ZBA shall be held at the call of the chairman and at such other times as the ZBA shall determine for the efficient conduct of its business. All meetings shall be open to the public. The ZBA shall adopt such rules of procedure consistent with the provisions of applicable laws and this Ordinance as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

21.7 APPEALS: Appeals to the ZBA pursuant to Section 21.4.B may be taken by any party aggrieved or affected by a decision or order of the Zoning Administrator or by an officer or board of the Township. A notice of appeal specifying the grounds thereof shall be filed with the ZBA within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer or board from whose decision or order the appeal is taken, who shall forthwith transmit to the ZBA all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the ZBA that a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the ZBA or by the circuit court.

21.8 VARIANCE STANDARDS AND CONDITIONS:

A. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that:

- By reason of the exceptional narrowness, shallowness or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of this Ordinance.
- Such variance will not be of substantial detriment to adjoining property.

- Such variance will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare.

If the ZBA finds all of the preceding standards to be satisfied, to grant variance relief the ZBA must further find that two of the following facts and circumstances exist:

1. That the exceptional or extraordinary circumstances or conditions applying to the specific property do not apply generally to other properties in the same zone; or,
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; or,
3. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Ordinance.

In determining whether the standards for variance relief have been shown to be satisfied the ZBA shall be governed by the following additional legal principles:

- The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
- The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.
- Increased costs associated with complying with the strict letter of this Ordinance are not a basis for variance relief.
- Increased financial return if variance relief is granted is not a basis for variance relief.
- The ZBA may find the standards for relief from the strict letter of this Ordinance have been shown to be satisfied, but not to the extent of the variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.

- B. Conditions: The ZBA may attach conditions or limitations upon a variance, where such are necessary to insure that public services and

facilities affected by a requested variance and associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the ZBA shall also specifically determine the following:

1. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

21.9 LAND USE VARIANCE: The ZBA shall not act on a request for a land use variance (for a use not allowed in a zone).

21.10 FEES: Upon filing of any appeal or application to the ZBA, the applicant shall pay a fee as set by the Township Board. The fee shall be paid to the Township Clerk before any action is taken on the application.

21.11 PUBLIC HEARING: Upon the filing of any appeal or other matter over which the ZBA has jurisdiction, the ZBA shall hold a public hearing on such matter preceded by notice as required by law.

21.12 DECISIONS: The ZBA shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.

21.13 TIME LIMIT: If the variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within three months after the date the variance is granted, and the structure or alteration shall be completed within 12 months, or the variance shall be deemed abandoned and withdrawn.

- 21.14 VOTE NECESSARY FOR DECISION: The final decision of the ZBA on any matter shall require the concurring vote of a majority of its members.
- 21.15 MINUTES AND RECORDS: The secretary shall keep minutes of the ZBA proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the ZBA examinations and official actions; all of which shall be filed with the Township Clerk and be a public record.
- 21.16 LIMITATION OF BOARD ACTION: Except as authorized in this Article, the ZBA shall not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this Ordinance, and where the ZBA considers that any specific provision is inappropriate it shall submit to the Township Board a request for review of the provision.

## CHAPTER 22

### ADMINISTRATION AND ENFORCEMENT

- 22.1 ZONING ADMINISTRATION AND ENFORCEMENT: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.
- 22.2 ZONING ADMINISTRATOR APPOINTMENT: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.
- 22.3 ZONING ADMINISTRATOR DUTIES: The Zoning Administrator shall have the following duties and responsibilities:
- A. Investigation of Violations. The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law.
  - B. Inspections. The Zoning Administrator shall make periodic inspections of property subject to an approved site plan and/or special land use permit approval to ascertain that the requirements of this Ordinance are being complied with during the construction/implementation of the approved development.
  - C. Administrative Review of Site Plans. The Zoning Administrator shall review site plans and related materials as specified in Section 14.5 of this Ordinance.
  - D. Issuance of Land Use Permits. The Zoning Administrator shall review and act on applications for zoning compliance permits pursuant to Section 3.2 of this Ordinance, and for such other permit matters as the Zoning Administrator may be assigned responsibility by this Ordinance.
  - E. Coordination with Building Official: The Zoning Administrator shall promptly inform the Building Official of all issued and denied zoning compliance permits, and otherwise coordinate with the Building Official with respect to all permit applications reviewed by the Zoning Administrator under this Ordinance that may have implications for the responsibilities of the Building Official.
  - F. Records. The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all



plans, and a record of all fees submitted with applications. The same shall form a part of the records of the office and shall be readily available.

- G. Other Duties. The Zoning Administrator shall perform such additional duties related to administration and enforcement of the Zoning Ordinance as are prescribed by law or as may from time to time be assigned by the Township Board.
- H. Meeting Attendance. The Township Board may require the Zoning Administrator to attend meetings of the Township Board, Planning Commission, and Zoning Board of Appeals, and keep the members of same informed of matters pertaining to zoning.

22.4 VIOLATION:

- A. Any person who violates, disobeys neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- B. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum <u>fine</u>
1 <sup>st</sup> offense	150.00
2 <sup>nd</sup> offense	325.00
3 <sup>rd</sup> or subsequent offense	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- 22.5 NUISANCE PER SE: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- 22.6 AUTHORITY TO COMMENCE LEGAL ACTION: The Township Supervisor, the Zoning Administrator, and such other persons as the Township Board may properly designate, may institute such legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or to sanction any violation of this Ordinance; provided that actions in the Circuit Court shall be authorized by the Township Board.
- 22.7 APPLICATION FEES: The Township Board is authorized to establish, by motion, fees for consideration of all applications for a permit or other approval by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board under this Ordinance or a related statute, including but not limited to: zoning compliance permit, special land use permit, site plan review, variance, ordinance interpretation, appeal of Zoning Administrator determination, rezoning of property, amendment of Zoning Ordinance text, or amendment of Master Plan (text or map). The fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting; and may be established as a flat fee or based on all actual costs incurred by the Township with respect to processing and consideration of the matter, with specified deposit and escrow amounts. All such fees applicable to a particular application shall be paid to the Township Clerk in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting, and may take effect immediately or upon such later date as the Board may specify.

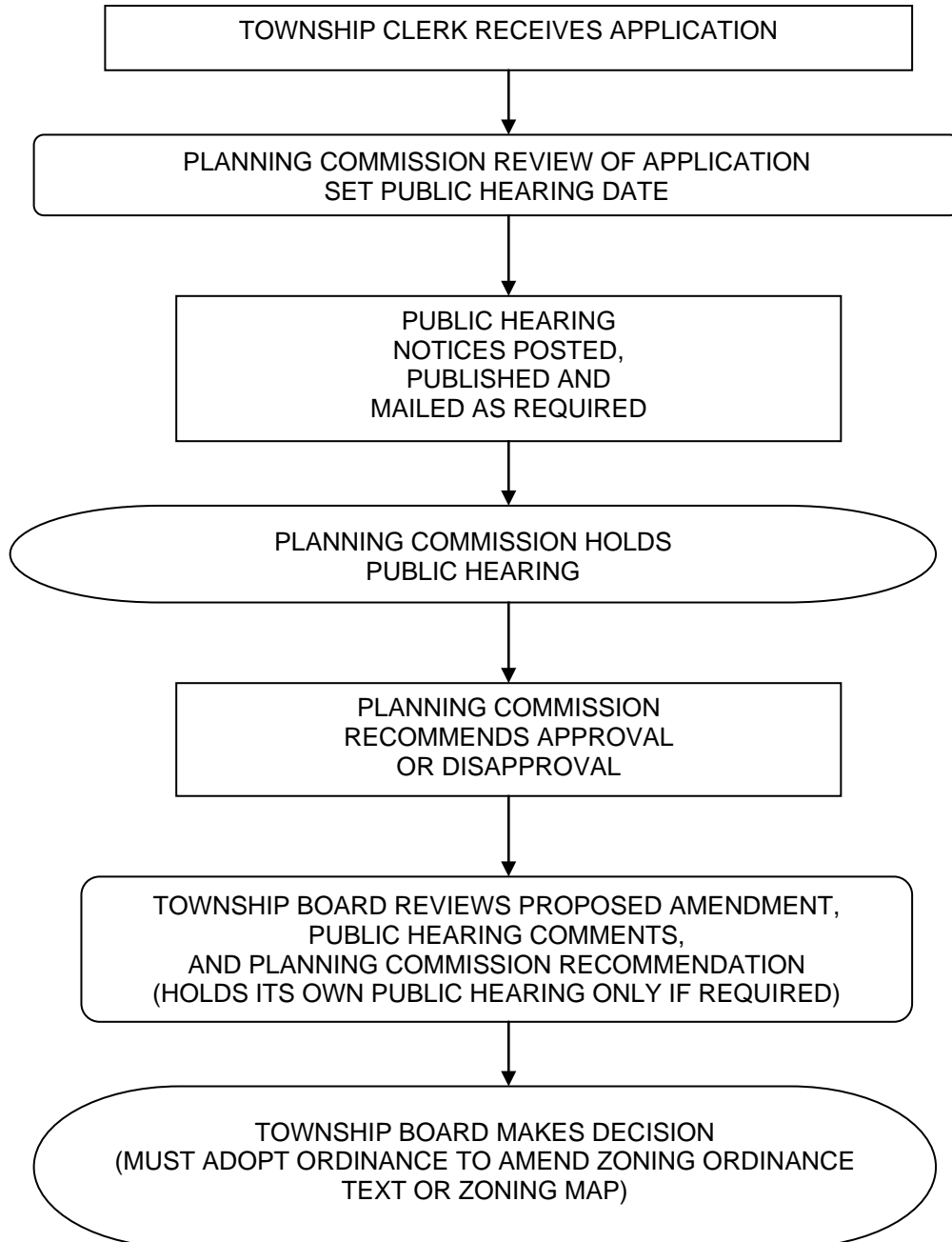
## CHAPTER 23

### AMENDMENTS AND DISTRICT CHANGES

- 23.1 INITIATION OF AMENDMENTS: Amendments of this Ordinance (text or rezoning) may be initiated by the Planning Commission or Township Board, or by any interested person by application.
- 23.2 AMENDMENT APPLICATION PROCEDURE: All amendments of this Ordinance initiated by application shall be in writing, signed, and filed with the Township Clerk for presentation to the Planning Commission. Such applications shall include the following:
- A. The applicant's name, address, and interest in the application.
  - B. In the case of a rezoning application:
    - 1. The legal description of the land proposed to be rezoned.
    - 2. All existing street addresses within the property proposed to be rezoned.
    - 3. The present and requested zoning classification of the property proposed to be rezoned.
    - 4. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
    - 5. A fully dimensioned map showing the property proposed to be rezoned, including all public and private rights-of-way and easements bounding and intersecting same, and showing the zoning classification of all abutting lands.
    - 6. The name, address and interest of every person having a legal or equitable interest in any land which is proposed to be rezoned.
  - C. In the case of a text amendment application, the proposed text to be added and/or the existing text to be revised/deleted.
  - D. The changed or changing conditions in a particular area or in the Township generally that make the proposed rezoning or text amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  - E. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

23.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as may be amended, and any other applicable laws.

**FLOW DIAGRAM FOR AMENDMENTS OF ZONING ORDINANCE TEXT OR ZONING MAP (REZONING)**



## **CHAPTER 24**

### **EFFECTIVE DATE/REPEAL; MISCELLANEOUS**

- 24.1 **EFFECTIVE DATE/REPEAL**: This Ordinance shall take effect on the eighth day after publication or on such later date as may be required by law; and on such effective date shall be deemed to repeal and supercede in its entirety the former Zoning Ordinance (Ordinance No. 18) and all amendments thereof, including as reorganized and reformatted pursuant to Ordinance No. 60, as amended.
- 24.2 **SEVERABILITY**: If any section, subsection, clause or provision of this ordinance is declared by a court to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that portion declared to be invalid.

Paula Craig, Clerk  
Prairie Ronde Township

**CRAIG A. ROLFE, PLLC**  
**ATTORNEY AT LAW**  
3018 Oakland Drive, Suite C  
KALAMAZOO, MICHIGAN 49008-3998  
TELEPHONE (269) 388-4333  
FAX (269) 388-4341

March 27, 2013

Paula A. Geiger, Clerk  
Prairie Ronde Township  
8140 West W. Avenue  
P.O. Box 794  
Schoolcraft, MI 49087-0794

**Re: Zoning Ordinance book replacement pages pursuant to Ordinance No. 76**

Dear Paula:

Enclosed is a "master" set of revised pages for the Prairie Ronde Township Zoning Ordinance generated as a result of Ordinance No. 76, which becomes effective April 3.

Please distribute three-hole punched sets of the replacement pages to each member of the Township Board, Zoning Board of Appeals, Planning Commission, and to the Building Official, with a copy of this letter.

All individuals receiving a set of these replacement pages should do the following:

1. Remove and discard the existing cover page; insert the replacement cover page.

Note: if your existing cover page does not say "as amended through Ordinance No. 75, adopted December 11, 2012", you may have a problem with your existing Zoning Ordinance book. Stop here and contact the Township Clerk for guidance.

2. Remove and discard existing pages 2-2 through 2-12; insert replacement pages 2-2 through 2-14.
3. Remove and discard existing pages 5-1 and 5-2; insert replacement pages 5-1 and 5-2.
4. Remove and discard existing page 8-1; insert replacement page 8-1.
5. Remove and discard existing page 11-1; insert replacement page 11-1.

6. Remove and discard existing pages 13-4 and 13-5; insert replacement pages 13-4 and 13-5.
7. Remove and discard existing pages 13-13 through 13-28; insert replacement pages 13-13 through 13-31.
8. Remove and discard the existing Addendum page after page 24-1; insert the replacement Addendum page in that same place.

Please give me a call if you have any questions.

Sincerely,

Craig A. Rolfe

CAR/slb  
Enclosures

cc (w/o enclosures): Tom Swiat, Jr., Supervisor  
Lynn McDaniel, Planning Commission Chairman

P.S. If you have extra Zoning Ordinance books (as amended through Ordinance No. 75) at the Township Hall for public purchase, you will want to provide sets of the enclosed replacement pages for those books.

## **EXECUTIVE SUMMARY AND USER GUIDE**

This Executive Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance, to make the document easier to understand and use. Like every municipal zoning ordinance, this Zoning Ordinance regulates the development and use of land by dividing the Township into “zoning districts”, sometimes commonly referred to as “zones”. This Zoning Ordinance establishes seven such zoning districts as noted in Section 4.1, and as shown on the Zoning Map.

This Zoning Ordinance also is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district. The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses”. A use listed as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and therefore generally requires no prior land use approval. A “special land use” is recognized as requiring prior land use approval, pursuant to a public hearing and approval standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community. Chapters 5–11 of this Zoning Ordinance indicate the permitted uses and special land uses for each of the seven zoning districts.

Chapter 12 specifies other requirements applicable in each zoning district, such as the minimum requirements for property (“lot”) in each zoning district, and “setback” and other location requirements for buildings and other structures in each zoning district.

Some provisions of the Zoning Ordinance are intended to apply generally throughout the Township, such as the “General Provisions” in Chapter 3. Other chapters of this Ordinance regulate specific matters that may also apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Such provisions of the Zoning Ordinance include the following chapters and subject matters:

- Chapter 15---Parking and Loading Spaces
- Chapter 16---Signs and Outdoor Advertising Structures
- Chapter 17---Accessory Buildings/Structures and Accessory Uses

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:



- ❖ Step 1: find the property on the official Zoning Map and determine the “zoning district” in which the property is located.
- ❖ Step 2: make sure the property meets the minimum “lot” requirements for that zoning district, and is therefore “buildable” pursuant to the Schedule in Chapter 12; or is otherwise a legal buildable “nonconforming lot” pursuant to Section 19.8 (Chapter 19 also includes special provisions pertaining to “nonconforming” uses and building/structures lawfully established before the enactment of this Ordinance).
- ❖ Step 3: refer to the proper Chapter covering that zoning district from Chapters 5–11; and determine whether the intended land use is listed there as either a “permitted use” or a “special land use”.
- ❖ Step 4a: if the intended land use is listed as a “permitted use” in the zoning district in which the property is located, check Section 14.2 to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Chapter 14 will apply.

Step 4b: if the intended land use is listed as a “special land use” in the zoning district in which the property is located, review Chapter 13 for information about applying for special land use approval and the “standards” that must be shown to be complied with before the Township Board can grant such approval, after a public hearing. Section 13.3 specifies what are sometimes called the general standards that apply to all special land uses; but Section 13.7 includes additional specific standards that are required of certain special land uses. Note: the “site plan review” requirements of Chapter 14 apply to all special land uses.

- ❖ Step 5: for every permitted use or special land use check whether additional regulations are applicable from either the Chapter 3 “General Provisions” or other chapters dealing with specific subjects, such as the chapters listed above in the bullet points, or Chapter 18 “Supplemental Regulations”.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in Section 2.2. It is therefore important to refer to Section 2.2 to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in this Ordinance is defined in accordance with its most applicable customary or common meaning (see Section 2.1).

Finally, other parts of this Zoning Ordinance address what may be called “administrative” matters, including the following chapters/sections on the indicated subjects:

- Chapter 21---Zoning Board of Appeals
- Chapter 22---Administration and Enforcement of Zoning Ordinance
- Section 22.4---Violations and sanctions
- Chapter 23---Amendments and District Changes

These chapters are not generally relevant to determining how a particular land use is regulated by the Zoning Ordinance, but may apply in certain circumstances. For example, a potential applicant for a “variance” should review Section 21.8 addressing the authority of the Zoning Board of Appeals to grant variance relief.

Disclaimer: this Executive Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance to help persons using the document better understand how to use the Ordinance, generally. Many zoning questions can be answered upon simple reference to the appropriate parts of this Zoning Ordinance; but some questions will require knowledgeable assistance from someone such as the Zoning Administrator, and sometimes from legal counsel with special expertise in zoning matters. In short, although this Executive Summary and User Guide is not intended to substitute for knowledgeable assistance to address a particular zoning question or issue where required, it will hopefully make this Zoning Ordinance easier to understand and use.